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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER
OF THE UNITED NATIONS AND ON THE STRENGTHENING
OF THE ROLE OF THE ORGANIZATION

Report of the Sixth Committee

Rapporteur: Mr. Jargalsaikhany ENKHSAIKAN (Mongolia)

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the thirty-fourth session of the General Assembly pursuant to paragraph 9 of Assembly resolution 33/94 of 16 December 1978.
2. At its 4th plenary meeting, on 21 September 1979, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee had before it the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization 1/ and a report of the Secretary-General (A/34/409) containing observations received from Governments in response to paragraph 6 of General Assembly resolution 33/94. It also had before it a letter from the Permanent Representative of a Member State addressed to the Secretary-General (A/34/357) transmitting documents of the Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries, held at Colombo from 4 to 9 June 1979, and a letter from the Chargé d'Affaires a.i. of the Permanent Mission of a Member State (A/34/389 and Corr.1) transmitting the text of the resolutions and final communiqué of the Tenth Islamic Conference of Foreign Ministers, held at Fez from 8 to 12 May 1979.

1/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 33 (A/34/33).

4. The Committee considered the item at its 30th to 37th, 39th to 41st, 47th, 49th, 54th and 55th meetings, held between 1 and 29 November 1979. The summary records of those meetings (A/C.6/34/SR.30-37, 39-41, 47, 49, 54 and 55) contain the views of representatives who spoke during the consideration of the item.

5. The Committee had before it a draft resolution submitted by the Libyan Arab Jamahiriya (A/C.6/34/L.8), which read as follows:

"The General Assembly,

Having studied the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 2/

Recognizing the importance of the fundamental role played by the Security Council in the maintenance of international peace and security,

Noting that the experience of previous years has shown that the rule that decisions of the Security Council on all non-procedural matters shall require the concurring votes of all the permanent members has been abused on many occasions,

Noting also that the abuse of that rule has weakened the status of United Nations resolutions, particularly with regard to questions relating to the inalienable rights of peoples suffering as a result of racist régimes, foreign domination, colonialist domination and occupation,

Stressing the urgent need for a new rule that will eliminate the negative effects of past practices,

1. Decides that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should draft an alternative rule to replace the rule requiring the unanimity of the permanent members of the Security Council for the adoption of decisions on all non-procedural matters and that the Committee should, when drafting this rule, take into consideration, inter alia:

(a) The principle of equality among States;

(b) The fact that the maintenance of international peace and security is a grave responsibility requiring the active participation of all the countries and peoples of the world, within the framework of United Nations resolutions on the strengthening of international peace and security;

(c) The strengthening of the role of the Security Council in the maintenance of international peace and security;

2/ Ibid.

2. Calls upon the Secretary-General of the United Nations to provide the aforementioned Committee with a study on the right of veto, setting forth, in particular:

(a) The difficulties which the use of the right of veto raises with regard to the attainment of the purposes and principles of the United Nations;

(b) The efforts which have been made in the past to alleviate the effects of the use of this right and the extent of the effectiveness of those efforts;

(c) Ideas for solutions to replace the rule requiring the unanimity of the permanent members of the Security Council for the adoption of decisions on all non-procedural matters;

3. Calls upon the Special Committee to submit its report to the General Assembly at its thirty-fifth session."

6. The Committee also had before it a draft resolution (A/C.6/34/L.10) sponsored by Algeria, Argentina, Australia, Bolivia, Chile, Colombia, Ecuador, Egypt, Ghana, Indonesia, Ivory Coast, Japan, Madagascar, Mexico, New Zealand, Nigeria, Papua New Guinea, Peru, Philippines, Romania, Singapore, Spain, Thailand, Venezuela and Yugoslavia which read as follows:

"The General Assembly,

Reaffirming its support for the purposes and principles set forth in the Charter of the United Nations,

Recalling its resolutions 992 (X) of 21 November 1955, 2285 (XXII) of 5 December 1967, 2552 (XXIV) of 12 December 1969, 2697 (XXV) of 11 December 1970, 2968 (XXVII) of 14 December 1972 and 3349 (XXIX) of 17 December 1974,

Recalling also its resolutions 2925 (XXVII) of 27 November 1972, 3073 (XXVIII) of 30 November 1973 and 3282 (XXIX) of 12 December 1974 on the strengthening of the role of the United Nations,

Recalling especially its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977 and 33/94 of 16 December 1978,

Having considered the report of the Special Committee, 3/

Noting that progress has been made in fulfilling the mandate of the Special Committee,

3/ Ibid.

/...

Taking note of its decision, adopted at its meeting on 21 September 1979, to inscribe on the agenda of its thirty-fourth session the item entitled "Peaceful Settlement of Disputes",

Noting the importance that pre-session consultations among the members of the Special Committee and other interested States may have in facilitating the fulfilment of its task,

Considering that the Special Committee has not yet completed the mandate given to it,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. Decides that the Special Committee should continue its work in pursuance of the following tasks with which it is entrusted:

(a) To list the proposals which have been made or will be made in the Committee and to identify those which have awakened special interest;

(b) To examine proposals which have been made or will be made in the Committee with a view to according priority to the consideration of those areas on which general agreement is possible;

3. Requests the Special Committee at its next session:

(a) To continue its work on the proposals made by Member States regarding the question of the maintenance of international peace and security with a view to listing and examining those proposals;

(b) To consider proposals made by Member States on the question of rationalization of existing procedures of the United Nations and, subsequently, any proposals under other topics;

4. Further requests the Special Committee, in the light of the progress it has achieved concerning the question of the peaceful settlement of disputes, to complete its work on this question on the basis of the list prepared by the Special Committee in accordance with General Assembly resolution 33/94;

5. Requests the Special Committee to be mindful of the importance of reaching general agreement whenever it has significance for the outcome of its work;

6. Urges members of the Special Committee to participate fully in its work in fulfilment of the mandate entrusted to it;

7. Invites Governments to submit or to bring up to date, if they deem it necessary, their observations and proposals in accordance with General Assembly resolution 3499 (XXX);

8. Requests the Secretary-General to render all assistance to the Special Committee, including the preparation of summary records of all its meetings;

9. Requests the Secretary-General to bring up to date as quickly as possible the Repertory of Practice of United Nations Organs, as mandated in resolutions 796 (VIII) of 27 November 1953, 992 (X) of 21 November 1955 and 2968 (XXVII) of 14 December 1972;

10. Requests the Special Committee to submit a report on its work to the General Assembly at its thirty-fifth session;

11. Decides to include in the provisional agenda of its thirty-fifth session the item entitled 'Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization'."

7. At the 49th meeting, on 23 November, the representative of the Philippines introduced a revised version of draft resolution A/C.6/34/L.10 on behalf of the sponsors which had been joined by Barbados, Brazil, the Central African Republic, Chad, El Salvador, Germany, Federal Republic of Italy, Mauritania, Morocco, Senegal, Tunisia, Uruguay and Zaire.

8. The revised version of the draft resolution (A/C.6/34/L.10/Rev.1) differed from the original version in that operative paragraph 4 had been reworded as follows:

"4. Further requests the Special Committee, in the light of the progress it has achieved concerning the question of the peaceful settlement of disputes, to continue its work on this question with a view to developing and recommending a means of bringing the work to an appropriate conclusion on the basis of the list prepared by the Special Committee in accordance with General Assembly resolution 33/94."

9. At the same meeting, the representative of the Libyan Arab Jamahiriya introduced, on behalf of his delegation and of the delegation of Guinea, a revised version of draft resolution A/C.6/34/L.8 (A/C.6/34/L.8/Rev.1), which read as follows:

"The General Assembly,

Having studied the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 4/

Reaffirming the principle of the sovereign equality of all States Members of the United Nations,

Recognizing the importance of the fundamental role played by the Security Council in the maintenance of international peace and security,

4/ Ibid.

Noting that the experience of previous years has shown that the rule that decisions of the Security Council on all non-procedural matters shall require the concurring votes of all the permanent members has been abused on many occasions,

Noting also that the abuse of that rule has weakened the status of the United Nations resolutions, relating to the inalienable rights of peoples suffering as a result of racist régimes, foreign domination, colonialist domination, and occupation,

Taking into account resolution 486 (XXVII) adopted by the Council of Ministers of the Organization of African Unity at its twenty-seventh ordinary session, held at Port Louis from 24 June to 3 July 1976; 5/ resolution 14 adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976; 6/ resolution 7 adopted by the Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979; 7/ and resolution 3/8-P adopted by the Eighth Islamic Conference of Foreign Ministers, held at Tripoli from 16 to 22 May 1977, 8/

Stressing the urgent need for an alternative rule that would avoid the negative effects of past experience and the present situation,

1. Decides that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should review the rule requiring the unanimity of the permanent members of the Security Council for the adoption of decisions on all non-procedural matters and that the Committee should, when reviewing this rule, take into consideration, inter alia:

- (a) The principle of equality among States;
- (b) The fact that the maintenance of international peace and security is a grave responsibility requiring the active participation of all the countries and peoples of the world;
- (c) The strengthening of the role of the Security Council in the maintenance of international peace and security;

2. Requests the Secretary-General to prepare, before the thirty-fifth session of the General Assembly, a study on the right of veto, setting forth, in particular:

5/ A/31/196 and Corr.1, annex.

6/ A/31/197, annex IV.

7/ A/34/542, annex VI.

8/ A/32/235, annex I.

(a) The views expressed, within the relevant United Nations bodies, on the difficulties which the use of the right of veto raises with regard to the attainment of the purposes and principles of the United Nations;

(b) The efforts which have been made in the past to alleviate the effects of the use of this right and the extent of the effectiveness of those efforts;

(c) The proposals which have been made, within the relevant United Nations bodies, to alleviate the effects of the use of this right and the replacement formulas for this right;

3. Calls upon Member States to transmit to the Secretary-General their views and observations on the right of veto;

4. Requests the Special Committee to submit to the General Assembly, at its thirty-sixth session, a report on possible alternatives to the unanimity rule of the permanent members of the Security Council."

10. The Committee had before it a statement submitted by the Secretary-General (A/C.6/34/L.13) on the administrative and financial implications of draft resolution A/C.6/34/L.10/Rev.1. In this connexion, the Under-Secretary-General, the Legal Counsel of the United Nations, referring to paragraph 8 of the draft resolution stated, at the 54th meeting of the Sixth Committee on 28 November, that he had been informed that, if the said draft resolution was adopted, the competent services of the Secretariat would not be in a position to provide summary records for the Special Committee in the light of the adoption by the General Assembly on 23 November 1979 of resolution 34/50.

11. Also at the 54th meeting, the Legal Counsel made a statement, which was circulated as document A/C.6/34/6, in relation to paragraph 2 of draft resolution A/C.6/34/L.8/Rev.1.

12. At the same meeting, the Committee decided by 64 votes to 29, with 23 abstentions, to give priority in the vote to draft resolution A/C.6/34/L.10/Rev.1.

13. That draft resolution was adopted by 98 votes to none with 23 abstentions (see para. 19).

14. Statements in explanation of vote were made before the vote by the delegations of Portugal, the United Republic of Tanzania, the United States of America, Sierra Leone, India, Guinea, Israel, China and the United Kingdom of Great Britain and Northern Ireland, and, after the vote, by the delegations of Jordan, the Union of Soviet Socialist Republics and Togo.

15. The Committee noted with appreciation the generous offer extended by the Government of the Philippines, as reflected in document A/C.6/34/L.11, to act as host to the Special Committee at Manila from 28 January to 22 February 1980 and recommended without objection to the General Assembly that the invitation should be accepted (see para. 20).

16. The Sixth Committee then considered a motion by the United States not to vote on draft resolution A/C.6/34/L.8/Rev.1. The motion was rejected by 42 votes to 33 with 38 abstentions.

17. At its 55th meeting, on 29 November, the Committee adopted draft resolution A/C.6/34/L.8/Rev.1 by a recorded vote of 43 votes to 34, with 44 abstentions (see para. 21). The voting was as follows:

In favour: Algeria, Bahrain, Bangladesh, Benin, Burundi, Cape Verde, China, Comoros, Congo, Djibouti, Ecuador, Gambia, Ghana, Guinea, Guyana, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lesotho, Libyan Arab Jamahiriya, Madagascar, Maldives, Malta, Mauritania, Oman, Pakistan, Qatar, Rwanda, Sierra Leone, Sudan, Suriname, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen.

Against: Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, Iceland, Ireland, Israel, Italy, Lao People's Democratic Republic, Luxembourg, Mongolia, Netherlands, New Zealand, Norway, Papua New Guinea, Poland, Portugal, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.

Abstentions: Argentina, Barbados, Bhutan, Bolivia, Botswana, Brazil, Burma, Central African Republic, Chad, Chile, Colombia, Costa Rica, Democratic Yemen, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Guatemala, Honduras, Ivory Coast, Jamaica, Japan, Malaysia, Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Peru, Philippines, Romania, Senegal, Singapore, Somalia, Swaziland, Thailand, Uganda, Uruguay, Venezuela, Yugoslavia, Zambia.

18. Statements in explanation of vote were made before the vote by the delegations of Portugal, the Union of Soviet Socialist Republics, Austria, the United Republic of Tanzania, the United States of America, Jamaica, Bulgaria, France, the German Democratic Republic, Israel, the Ukrainian Soviet Socialist Republic, Czechoslovakia, Mongolia, Hungary, China, Romania, Canada, the Byelorussian Soviet Socialist Republic, Germany, Federal Republic of, the United Kingdom of Great Britain and Northern Ireland, Bahrain, Pakistan, Italy and India. Statements in explanation of vote after the vote were made by the delegations of Greece, Argentina, Democratic Yemen, Papua New Guinea, Egypt, Poland, Mexico, Sweden, the United Arab Emirates, Singapore, Zambia, Yugoslavia, Uganda and Iraq.

RECOMMENDATIONS OF THE SIXTH COMMITTEE

19. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Reaffirming its support for the purposes and principles set forth in the Charter of the United Nations,

Recalling its resolutions 992 (X) of 21 November 1955, 2285 (XXII) of 5 December 1967, 2552 (XXIV) of 12 December 1969, 2697 (XXV) of 11 December 1970, 2968 (XXVII) of 14 December 1972 and 3349 (XXIX) of 17 December 1974,

Recalling also its resolutions 2925 (XXVII) of 27 November 1972, 3073 (XXVIII) of 30 November 1973 and 3282 (XXIX) of 12 December 1974 on the strengthening of the role of the United Nations,

Recalling especially its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977 and 33/94 of 16 December 1978,

Having considered the report of the Special Committee, 9/

Noting that progress has been made in fulfilling the mandate of the Special Committee,

Taking note of its decision at its 4th plenary meeting on 21 September 1979, to include in the agenda of its thirty-fourth session the item entitled "Settlement by peaceful means of disputes between States",

Noting the importance that pre-session consultations among the members of the Special Committee and other interested States may have in facilitating the fulfilment of its task,

Considering that the Special Committee has not yet completed the mandate given to it,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. Decides that the Special Committee should continue its work in pursuance of the following tasks with which it is entrusted:

9/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 33 (A/34/33).

(a) To list the proposals which have been made or will be made in the Committee and to identify those which have awakened special interest;

(b) To examine proposals which have been made or will be made in the Committee with a view to according priority to the consideration of those areas on which general agreement is possible;

3. Requests the Special Committee at its next session:

(a) To continue its work on the proposals made by Member States regarding the question of the maintenance of international peace and security with a view to listing and examining those proposals;

(b) To consider proposals made by Member States on the question of rationalization of existing procedures of the United Nations and, subsequently, any proposals under other topics;

4. Further requests the Special Committee, in the light of the progress it has achieved concerning the question of the peaceful settlement of disputes, to continue its work on this question with a view to developing and recommending a means of bringing the work to an appropriate conclusion on the basis of the list prepared by the Special Committee in accordance with General Assembly resolution 33/94;

5. Requests the Special Committee to be mindful of the importance of reaching general agreement whenever it has significance for the outcome of its work;

6. Urges members of the Special Committee to participate fully in its work in fulfilment of the mandate entrusted to it;

7. Invites Governments to submit or to bring up to date, if they deem it necessary, their observations and proposals in accordance with General Assembly resolution 3499 (XXX);

8. Requests the Secretary-General to render all assistance to the Special Committee, including the preparation of summary records of all its meetings;

9. Requests the Secretary-General to bring up to date as quickly as possible the Repertory of Practice of United Nations Organs, as mandated in resolutions 796 (VIII) of 27 November 1953, 992 (X) of 21 November 1955 and 2968 (XXVII) of 14 December 1972;

10. Requests the Special Committee to submit a report on its work to the General Assembly at its thirty-fifth session;

11. Decides to include in the provisional agenda of its thirty-fifth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

20. In connexion with the above draft resolution, the Sixth Committee further recommends to the General Assembly that the offer of the Government of the Philippines to act as host to the Special Committee in Manila from 28 January to 22 February 1980 should be accepted.

21. The Sixth Committee also recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Having studied the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 10/

Reaffirming the principle of the sovereign equality of all States Members of the United Nations,

Recognizing the importance of the fundamental role played by the Security Council in the maintenance of international peace and security,

Noting that the experience of previous years has shown that the rule that decisions of the Security Council on all non-procedural matters shall require the concurring votes of all the permanent members has been abused on many occasions,

Noting also that the abuse of that rule has weakened the status of the United Nations resolutions relating to the inalienable rights of peoples suffering as a result of racist régimes, foreign domination, colonialist domination, and occupation,

Taking into account resolution 486 (XXVII) adopted by the Council of Ministers of the Organization of African Unity at its twenty-seventh ordinary session, held at Port Louis from 24 June to 3 July 1976; 11/ resolution 14 adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976; 12/ resolution 7 adopted by the Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979; 13/ and resolution 3/8-P adopted by the Eighth Islamic Conference of Foreign Ministers, held at Tripoli from 16 to 22 May 1977, 14/

Stressing the urgent need for an alternative rule that would avoid the negative effects of past experience and the present situation,

10/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 33 (A/34/33).

11/ A/31/196 and Corr.1, annex.

12/ A/31/197, annex IV.

13/ A/34/542, annex VI.

14/ A/32/235, annex I.

1. Decides that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should review the rule requiring the unanimity of the permanent members of the Security Council for the adoption of decisions on all non-procedural matters and that the Committee should, when reviewing this rule, take into consideration, inter alia:

(a) The principle of equality among States;

(b) The fact that the maintenance of international peace and security is a grave responsibility requiring the active participation of all the countries and peoples of the world;

(c) The strengthening of the role of the Security Council in the maintenance of international peace and security;

2. Requests the Secretary-General to prepare, before the thirty-fifth session of the General Assembly, a study on the right of veto, setting forth, in particular:

(a) The views expressed, within the relevant United Nations bodies, on the difficulties which the use of the right of veto raises with regard to the attainment of the purposes and principles of the United Nations;

(b) The efforts which have been made in the past to alleviate the effects of the use of this right and the extent of the effectiveness of those efforts;

(c) The proposals which have been made, within the relevant United Nations bodies, to alleviate the effects of the use of this right and the replacement formulas for this right;

3. Calls upon Member States to transmit to the Secretary-General their views and observations on the right of veto;

4. Requests the Special Committee to submit to the General Assembly, at its thirty-sixth session, a report on possible alternatives to the unanimity rule of the permanent members of the Security Council.
