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SUMMARY RECORD OF THE 64th MEETING

Chairman: Mr. GASTLI (Tunisia)

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ORGANIZATION OF WORK

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 64: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/336 and Add.1, A/38/65, A/38/68, A/38/91-S/15608, A/38/99-S/15627, A/38/106-S/15628, A/38/109-S/15632, A/38/113-S/15636, A/38/163-S/15723, A/38/164-S/15727, A/38/165-S/15729, A/38/167-S/15735, A/38/173-S/15739, A/38/178-S/15744, A/38/187-S/15752, A/38/234, A/38/238-S/15796, A/38/239-S/15798, A/38/256-S/15809, A/38/303-S/15877, A/38/308, A/38/321-S/15896, A/38/322-S/15900, A/38/324-S/15904, A/38/325-S/15905, A/38/327-S/15911, A/38/329, A/38/371-S/15944, A/38/432-S/15992, A/38/440, A/38/507-S/16044, A/38/518-S/16052, A/38/559-S/16118 and Corr.1, A/38/596-S/16173; A/C.6/38/6 and Corr.1; A/C.6/38/L.20)

1. Mr. KAHALEH (Syrian Arab Republic) said that while there were implicit references to the principle of good-neighbourliness in the Preamble to the United Nations Charter, in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, in the Declaration on the Strengthening of International Security and in the Manila Declaration on the Peaceful Settlement of International Disputes, it was essential to elaborate an international instrument that would explicitly enunciate the elements of that principle with a view to enhancing its effectiveness.
2. His delegation was grateful for the Romanian working paper on the development and strengthening of good-neighbourliness between States (A/38/440). That paper contained the useful reminder that good-neighbourly relations were incompatible with the threat or use of force, the appropriation of the territory of a neighbouring State, even on the pretext of security concerns, interference in the internal or external affairs of a neighbouring State, and the adoption of military or other measures designed to impose foreign domination. The working paper was, however, repetitive and referred to questions such as non-use of force, peaceful settlement of disputes, the activities of mercenaries and international liability for injurious consequences arising out of acts not prohibited by international law, which were being dealt with by various United Nations organs.
3. Good-neighbourliness could not exist at the same time as policies of aggression, expansion, occupation, annexation of territories, forced migration, massacres of indigenous populations, the imposition of so-called "agreements" in defiance of the sovereignty of States, disregard for United Nations resolutions, and violations of the Charter and the principles of international law, particularly the principle of the inadmissibility of the acquisition of territory by force. States should do more than pay lip-service to the principle of good-neighbourliness by applying it in their international relations. That some States were failing to do so was clear from the occupation of Namibia, the invasions of Lebanon and Grenada, the operations against Angola, Mozambique and Seychelles, and the economic sabotage against Cuba and Nicaragua.
4. In the preparation of the legal document on the development and strengthening of good-neighbourliness between States, account should be taken not only of the Romanian working paper, but also of other papers to be submitted by States and the observations already submitted.

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5. Mr. SCHRICKE (France) said that his country was committed to the development of friendly relations between neighbouring States, particularly in view of the history of Europe over the past three decades. Good-neighbourliness had been one of the concerns of the founders of the United Nations, as was clear from the words of the Preamble to the Charter: "... determined to ... live together in peace with one another as good neighbours ...".

6. As at previous sessions, France was one of the sponsors the draft resolution on the item under consideration. It believed that the international community should examine good-neighbourliness with a view to strengthening and developing its content and clarifying its elements. The United Nations should consider the specific legal and practical problems in that area, the solutions to those problems already offered and the opportunities for co-operation between neighbouring States. The Secretariat should carry out an exhaustive review of treaties and agreements which owed their existence to the principle of good-neighbourliness.

7. France had a wealth of experience with respect to particular aspects of good-neighbourly relations and had submitted proposals on practical confidence-building measures for neighbouring States. While it was not convinced that good-neighbourliness was a specific concept of international law, it believed that the positive development of relations between neighbouring States had distinct legal aspects. It was therefore pleased that the item had been allocated to the Sixth Committee and hoped that the Special Committee on the Charter would be entrusted with the task of clarifying and formulating the elements of good-neighbourliness.

8. Mr. SICHAN (Democratic Kampuchea) said that he wished to draw attention to an error in the summary in press release GA/L/2326 of the statement he had made at the previous meeting. At the top of page 3 of that document the third sentence should read: "However, Viet Nam, our neighbour to the east, has not left us in peace".

9. The CHAIRMAN said that the necessary steps would be taken to rectify the error in question.

AGENDA ITEM 124: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued) (A/38/57, A/38/61-S/15549, A/38/89-S/15596, A/38/106-S/15628, A/38/132-S/15675 and Corr.1 and 2, A/38/164-S/15727, A/38/177-S/15743 and Corr.1, A/38/234, A/38/256-S/15809, A/38/267-S/15824, A/38/268-S/15825, A/38/269-S/15826, A/38/303-S/15877, A/38/308, A/38/321-S/15896, A/38/322-S/15900, A/38/324-S/15904, A/38/325-S/15905, A/38/327-S/15911, A/38/330-S/15915, A/38/343, A/38/407-S/15982, A/38/408-S/15983, A/38/432-S/15992, A/38/495-S/16035, A/38/507-S/16044, A/38/529, A/38/559-S/16118 and Corr.1; A/C.6/38/L.9)

AGENDA ITEM 134: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/38/33, A/38/61-S/15549, A/38/106-S/15628, A/38/132-S/15675 and Corr.1 and 2, A/38/253, A/38/288, A/38/343, A/38/358, A/38/367 and Corr.1, A/38/415, A/38/425, A/38/454; A/C.6/38/L.14)

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10. Mr. GOLOB (Yugoslavia) said that, in view of the critical state of international relations and the problems facing the United Nations, full attention should be paid to the work of the Special Committee on the Charter, since its main role was to render the Organization more effective. The United Nations had been unable to play as effective and decisive a role as the Charter had envisaged for it. All Member States, and particularly the members of the Special Committee, were duty-bound to help find a solution to that problem.

11. The adoption by consensus of the Manila Declaration showed that the Special Committee had been successful in its work on the peaceful settlement of disputes. It had also made progress with regard to the rationalization of existing procedures of the United Nations, and was expected to finalize the relevant recommendations at its next session. It had failed, however, in its attempt to conclude the list of recommendations on the strengthening of the role of the United Nations in maintaining international peace and security.

12. Part of the problem was that the goals of the Special Committee were perceived differently by different States. The main problem, however, was the stalemate caused by the lack of political will, particularly on the part of some permanent members of the Security Council. While the necessary political will could not be expected to appear overnight, every effort should be made to overcome that stalemate and create the conditions for successful work by the Special Committee.

13. The United Nations did not belong to any country or to any group of countries, whatever their size, power, special status or responsibilities. Inter-State relations should not be allowed to affect the Organization's ability to function. The democratization of international relations could be achieved only through the joint efforts of all Member States.

14. Although the overwhelming majority of members of the Special Committee had expressed their concern, dissatisfaction and disappointment at the lack of progress at the 1983 session, some members had taken the view that useful work had been accomplished. Such deep differences of position were regrettable.

15. Adherence to the Charter and respect for its principles and purposes were at the very core of commitment to the United Nations. The Special Committee had never tended to threaten the authority of the Charter. Its task was to study and recommend ways of ensuring the effective functioning of the United Nations in order to enable full implementation of the Charter, which remained the basic and the supreme international legal document. The principle of unanimity among the permanent members of the Security Council should serve to facilitate the implementation of the Charter, not to legalize violations of its provisions. Such an attitude towards the principle of unanimity would ensure that neither the letter of the Charter nor the right of veto was questioned.

16. The Special Committee should proceed with the consideration of issues related to the maintenance of international peace and security. It should begin with the question of the prevention and removal of threats to peace and security, consider the role of all the main United Nations organs in that field and submit to the General Assembly recommendations or conclusions on the functioning of those organs.

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(Mr. Golob, Yugoslavia)

17. A number of documents could serve as a general framework for the Special Committee's deliberations, including the 1982 and 1983 reports of the Secretary-General on the work of the Organization (A/37/1 and A/38/1) and the report submitted by the five Nordic Governments on the strengthening of the United Nations (A/38/271-S/15830). The Special Committee should also take into account the views expressed in the general debate at the thirty-seventh and thirty-eighth sessions of the General Assembly.

18. With respect to peaceful settlement of disputes, the Special Committee should consider the working paper submitted by Nigeria, the Philippines and Romania (A/38/343), which had far-reaching significance, dealt with serious constitutional problems related to the Charter and deserved a thorough analysis. At its next session, the Special Committee should also formulate appropriate recommendations on the rationalization of existing procedures of the United Nations.

19. At the current session of the General Assembly, changes were to be made in the mandate of the Special Committee. A unique opportunity therefore existed for all delegations, particularly those with a special interest in its work and those of the permanent members of the Security Council, to co-operate in the search for a substantive and generally acceptable mandate. His delegation hoped that the principle of general agreement would prevail in the elaboration of the draft resolution on item 134 and that the text would be adopted by consensus. It hoped that the principle of general agreement would be used for the achievement of positive results, not to block the Special Committee's work and that the prevailing spirit of accommodation between the sponsors and other interested delegations would persist in the Special Committee itself. It was generally recognized that all multilateral channels of negotiation, including the United Nations, were in crisis. The Special Committee's deliberations were therefore of particular significance. Only through concerted efforts would it be possible to secure genuine commitment to the Charter, enhance the effectiveness of the United Nations and promote the maintenance of international peace and security.

20. Mr. CULLEN (Argentina) said that his delegation was concerned and frustrated at the little progress made by the Special Committee on the Charter at its 1983 session. It was regrettable that some members of the Special Committee had attempted to reinterpret paragraphs 3 and 5 of General Assembly resolution 37/114. They had tried to deny priority to the proposals regarding the maintenance of international peace and security, opting for the time-consuming listing of proposals. Despite the very clear wording of paragraph 3 (b) of the resolution, they had insisted that the Special Committee should not make recommendations to the General Assembly.

21. His delegation wished to reiterate that the Special Committee should accord priority in its work to the proposals regarding the question of the maintenance of international peace and security, to document A/AC.182/L.29/Rev.1 and to the proposals relating to the functioning of the Security Council. Document A/AC.182/L.29/Rev.1 had not received due consideration, despite its objective and constructive proposals.

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(Mr. Cullen, Argentina)

22. His delegation did not agree with those who opposed consideration of the item on the grounds that it could affect the balance achieved by the Charter and undermine the principles, such as the rule of unanimity, which had made it possible for the great Powers to sign the San Francisco Charter. On the contrary, his delegation considered that the Special Committee should work to correct the abuses which had seriously affected the operations of the Security Council and accentuated the disquieting deterioration of the principle of the juridical equality of States. His country had direct experience of the use of practices which prevented countries affected by questions under consideration in the Council not only from having access to that body in order to explain their positions but from being given the minimum information necessary to defend their interests.

23. His delegation fully shared the view that a subsidiary organ which had been entrusted with a specific mandate should be allowed to present recommendations to the General Assembly. It did not agree with the opinion recorded in paragraph 14 of the Special Committee's report (A/38/33) that the issue was of a purely theoretical nature and served no useful purpose. To deprive the Special Committee of the possibility of making recommendations would remove from it its most practical and constructive function.

24. In the Special Committee his delegation had argued against the opinion that certain topics should not be considered because they were being analysed at the same time by the Security Council. It was precisely a body such as the Special Committee, with specific competence and a broader composition, that was in a position to put forward solutions and ideas that should be received without preconceptions.

25. Observing that a member of his delegation had served as Rapporteur of the Special Committee, he said that he wished to comment on various aspects of the report. With respect, first, to the introduction, he said that several delegations had wanted to place on record their concern about the general outcome of the Special Committee's work. Those opinions were recorded in paragraphs 13, 14 and 15 of the report. Unlike the other sections, which were included as statements by the Rapporteur, the introductory paragraphs affected the participating States more directly and called for greater compromise. In that connection, he wished to draw attention to paragraph 11 on the subject of the participation of observers in the work of the Special Committee.

26. It had been considered that the topic "Rationalization of existing procedures of the United Nations" afforded the greatest possibility of agreement and it had therefore been considered first. However, as would be seen from paragraph 21 of the report, it had not been possible to reach agreement on the majority of the proposals before the Special Committee. The question of the interpretation to be given to the term "general agreement" had arisen once again in that connection. The meaning given by certain delegations to that term had made progress impossible, and in that connection his delegation shared the views expressed in paragraph 13 of the report. However, many of the proposals on the topic had received more or less general support and his delegation therefore considered that an effort should be

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(Mr. Cullen, Argentina)

made to accept wording that would recognize such support. Work on the topic should be concluded as soon as possible in order to allow progress to be made on the other topics before the Special Committee.

27. His delegation attached particular importance to the topic "Maintenance of international peace and security". It agreed with those delegations which had stressed the importance of implementation of the Manila Declaration in that connection. His delegation also welcomed the proposal for the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflict among States put forward by the delegations of Nigeria, the Philippines and Romania. That proposal would have to be studied very carefully particularly from the point of view of the relationship of the proposed commission with existing United Nations organs.

28. It was a source of particular satisfaction to his delegation that the Special Committee had been able to reach agreement on the preparation of a handbook on the pacific settlement of disputes. As stated in paragraph 110 of the report, the handbook should be drafted in simple terms and be of a practical nature and aim at bringing to the attention of Governments the wide range of existing means and mechanisms for the peaceful settlement of disputes. At the current time, one of Argentina's territorial disputes had been entrusted to His Holiness the Pope for mediation and the other to the good offices of the Secretary-General.

29. In conclusion, he said that the mandate given to the Special Committee by the General Assembly at its current session must be very precise and establish clearly the agenda to be followed at the Special Committee's next session. Measures must be taken to prevent the substance of the Special Committee's work from being impaired once again by procedural matters. The seventh Conference of Heads of State or Government of Non-Aligned Countries had emphasized the necessity of enhancing the effectiveness of the work of the Special Committee, and his delegation would do all it could to aid in the search for solutions, for it believed that the revitalization of the Special Committee would benefit all States.

30. Mr. CABRERA (Peru) said that one of the basic principles governing his country's foreign policy was that disputes between States should be settled only by peaceful means.

31. In that connection, his delegation wished to comment on the constructive working paper prepared by the delegations of Nigeria, the Philippines and Romania (A/38/343) on the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States.

32. In the first place, it would be necessary to specify the exact nature of the preventive role of the proposed commission and the circumstances under which it would perform that role. According to the working paper, the proposed commission would have a quasi-automatic role in that it would be able to intervene on its own initiative. It would be necessary to know how that role could be reconciled with

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(Mr. Cabrera, Peru)

the requirement that the parties give their consent before a commission of the type envisaged could intervene. Other elements of the working paper, on which more information was necessary included the circumstances in which a unilateral request from one of the parties would be receivable, the implications of the proposal in relation to the bilateral means for dispute settlement directly and expressly agreed upon by the parties, as well as to regional agreements and mechanisms, the kind of disputes which would fall within the competence of the proposed commission and what the status of the commission would be in relation to the Security Council and the General Assembly, what principles and norms of international law the proposed commission would apply and how the reference to the principle of equity could be reconciled with article 38, paragraph 2, of the Statute of the International Court of Justice, under which a case could only be decided ex aequo et bono if the parties agreed thereto.

33. In conclusion, he thanked the delegations which had prepared the working paper and said that his delegation's comments were intended solely to lead to a better understanding of the scope of the proposal before the Committee.

34. Mr. BALLOU (Ivory Coast) said that with respect to the peaceful settlement of disputes, his delegation wished to draw attention to the fact that under Article 33 of the Charter of the United Nations it was the duty of all States parties to a dispute to seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their own choice. Implementation of that provision of the Charter was not optional; the provision represented a peremptory rule of jus cogens from which no State could derogate. In its desire to promote implementation of that principle, the Special Committee had examined a proposal for the preparation of a handbook on the pacific settlement of disputes and a proposal for the establishment of a permanent commission on good offices, mediation, and conciliation. His delegation fully supported those two proposals, which were in keeping with the concern of the Ivory Coast in its policy of dialogue as the means for the peaceful settlement of disputes between States. The Special Committee was to be congratulated on having noted, in paragraph 98 of its report, that difficult and lengthy though they might be, negotiations were unquestionably preferable to any military conflict. As the President of his country had said, it was easier to make war than to make peace. If it had not been possible through dialogue to avoid a war it was always necessary, in order to end the war, to resort to negotiation, hence to dialogue, in the very difficult conditions created by the destruction of human lives. The General Assembly shared that point of view, as was proved by the fact that in its resolution 37/10 it had reaffirmed the need for the international community to avoid any military action and hostilities which could only make more difficult the solution of conflicts and disputes. It was a source of satisfaction to his delegation that the idea of dialogue was gaining ground. The adoption of the Manila Declaration represented a step, even if only a very inadequate step, towards realization of the idea that disputes should be settled by means of dialogue.

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(Mr. Ballou, Ivory Coast)

35. On the question of the maintenance of international peace and security, his comments would relate mainly to the revised draft recommendation presented by Egypt, on behalf of the non-aligned countries, to the Special Committee which his delegation supported because it was aimed at enhancing the effectiveness of the Security Council, the body responsible for the maintenance of international peace and security. In that connection, it should be recalled that the United Nations was not mankind's first attempt to prevent war. Like the League of Nations, the United Nations had been born from the ashes of a war. In their desire for peace, the founders of the Organization had tried to avoid the errors of the League of Nations, which had functioned without those who had manufactured the weapons of the Second World War. By making them permanent members, they had given responsibility for the Security Council to the great Powers, which now possessed the means to destroy the world. Before the evil of failure to implement the resolutions of the Security Council could be remedied, the reasons for that failure must be found. In principle, the decisions of the Security Council should be observed by all Member States under pain of sanctions. It was even more necessary that the members of the Security Council should realize their role by objectively seeking practical solutions likely to be implemented because they took account of the preoccupations of all concerned.

36. The Ivory Coast was convinced that only the great Powers, and particularly the permanent members of the Security Council, could guarantee conditions of peace for mankind. Those Powers alone could spark off conflicts and extinguish them at will. They alone could with impunity refuse to implement decisions of the Security Council or support States parties to a dispute to that end. They transmitted the ideologies which divided the world and polarized States within the Organization. They housed and subsidized armaments factories. They sold armaments and gave other countries the means to manufacture them. They alone considered themselves entrusted with a mission to save the universe by drawing up for themselves new frontiers which were no longer their national frontiers but very distant frontiers in Africa, Asia, Latin America or the Pacific. Finally, it was their peoples and their peoples alone who voted colossal budgets for armaments in the conviction that the wars which their Governments conducted on those distant frontiers would not be their wars but the wars of other peoples. The great Powers had two notions of war: the notion of conventional war and that of nuclear war. War with conventional weapons killed human beings without imperilling the survival of mankind, and its main advantage was that it took place far from the national frontiers of weapon suppliers. With nuclear weapons, war could wipe out life on earth, including the lives of weapons manufacturers. Those two notions of war produced contrary effects among the populations of the great Powers. The more their young people, intoxicated by the striking force of their countries, signed up to fight on distant frontiers, the more their people feared nuclear war which would not spare them. The time had come for the international community, and particularly for the Sixth Committee, to stress the responsibility of the great Powers in the maintenance of international peace and security. In that connection, he explained that his delegation had abstained from voting on draft resolution A/C.6/38/L.7 because it considered that it was not through the number of treaties signed that peoples would be saved from war but through the goodwill of peoples.

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(Mr. Ballou, Ivory Coast)

The Special Committee, through the revised draft recommendation presented by Egypt, should call on the permanent members of the Security Council to be silent about their ideologies, for the sake of the survival of mankind, and also for the sake of international peace and security, which were necessary for the development to which States aspired.

37. Mr. BUBEN (Byelorussian Soviet Socialist Republic) said that the prime concern of the Sixth Committee in considering agenda items 124 and 134 should be strict observance of the Charter in order to strengthen international security. The Charter embodied the progressive democratic principles and norms on which contemporary international law was based. It fully met the requirements of modern international relations, and its principles and purposes were of permanent significance. It formed the basis of a growing system of multilateral treaties and agreements governing international relations in many different areas. Its flexibility and vitality could be seen from the wide variety of issues considered with success within the United Nations, such as the peaceful uses of outer space, the peaceful exploration and exploitation of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, the environment, and science and technology for development.

38. Attempts to revise the Charter could only cause concern. Such efforts to undermine the foundations of the United Nations could have a disastrous effect on the entire system of international relations and cause serious damage to an organization whose main task was to save succeeding generations from the scourge of war - a particularly vital task at a time when, as a result of the activities of aggressive militaristic elements, tension in the world had reached dangerous proportions and mankind was threatened with a nuclear catastrophe. The principle of unanimity among the permanent members of the Security Council, on which some proponents of a revision of the Charter blamed the shortcomings of the United Nations, was a vital element that safeguarded the interests of both the socialist and the capitalist States and ensured that one group could not force its will or impose unilateral decisions on the other. It was necessary for the maintenance of peace and security and for the adoption of agreed decisions on the most important problems of the modern world, and it served the interests of all Member States, including the newly independent countries. Attempts to undermine such a basic principle could deal an irreparable blow to the United Nations and disrupt the smooth functioning of the Security Council and the Organization's efforts to uphold international peace and security.

39. Under the terms of the Charter, only the Security Council itself could consider and decide on the enhancement of its effectiveness. In 1983, the members of the Council had held consultations on the subject and had arrived at appropriate conclusions. They themselves were best able to see what practical measures might help to make their work more effective. Attempts to force the Special Committee to consider such questions would disrupt the existing balance, lead to duplication of effort and undoubtedly have undesirable results.

(Mr. Buben, Byelorussian SSR)

40. In the Special Committee, the proposal to create a United Nations permanent commission on good offices, mediation and conciliation had encountered serious objections, with which his delegation agreed. In particular, it had been pointed out that the proposed change in the clear system for the peaceful settlement of disputes established by the Charter, including the principle of freedom of choice, was aimed at undermining the Charter and the prerogatives of the Security Council. As stated in the Manila Declaration on the Peaceful Settlement of International Disputes, the Charter embodied the means and essential framework for the peaceful settlement of international disputes. The use of all those means would fully ensure the peaceful settlement of disputes between States. On the other hand, his delegation did not object to the preparation by the Special Committee of a handbook setting forth and explaining the various means for the peaceful settlement of disputes between States in accordance with the United Nations Charter and the Statute of the International Court of Justice. However, it would be desirable to have a preliminary outline of the possible contents of such a handbook.

41. There were still definite possibilities for the Special Committee's work on the rationalization of existing procedures of the United Nations. It had often been pointed out that the effectiveness of the Organization must be significantly enhanced through improved selection of Secretariat staff on the basis of equitable geographical distribution, better organization of the work of the General Assembly and its Main Committees, presentation of agenda items in a better-thought-out and clearer manner, elimination of unnecessary duplication in the consideration of items and more rational allocation of items among the Main Committees. Much time was wasted because meetings started late, adjourned early or were postponed or cancelled. The rationalization of United Nations procedures must occupy its proper place in the work of the Special Committee and should not be postponed from session to session. At the same time, the question should not be used as a pretext for introducing proposals concerning the work of the Security Council, limitation of the general debate, rejection or restriction of urgent and important agenda items, elimination of one of the Main Committees of the General Assembly or abridgement of the right of delegations to submit draft resolutions. Such proposals, far from enhancing the effectiveness of the United Nations, would divert it from tackling the essential problems of modern international life.

42. Some members of the Special Committee were increasingly pressing for a revision of the Committee's mandate to enable it to prepare doubtful recommendations for submission to the General Assembly. His delegation considered that the existing mandate, as set forth in the relevant General Assembly resolutions, was in line both with the requirements of the Special Committee and with current realities. The Special Committee had before it extremely complex issues which required lengthy and painstaking negotiations in order to find acceptable solutions. His delegation was therefore opposed to changing its mandate.

43. The principle of consensus had an important role to play in achieving positive results in the Special Committee. It was by working on that basis that the Committee had succeeded in finalizing the Manila Declaration. In view of the

(Mr. Buben, Byelorussian SSR)

complexity and importance of the issues before the Committee and the divergence of views on many of them, the principle of consensus should be maintained. Those who spoke of the intransigence of certain members of the Special Committee forgot that its main task was to protect the Charter and the United Nations itself. It was only through a patient search for agreement on the complex questions before it that the Special Committee could achieve results.

44. Having consistently opposed any attempts to revise the Charter, his delegation was of the view that it must be strictly respected, that decisions of the Security Council must be implemented and that Member States must concentrate on immediate tasks connected with ending the arms race, averting the threat of nuclear war, eliminating centres of international conflict, putting a final end to colonialism, racial discrimination and apartheid and achieving broad and mutually advantageous co-operation among States in the interest of peace and progress. The adoption of positive decisions at the current session of the General Assembly on such important items as those relating to condemnation of nuclear war, a nuclear-weapon freeze and the conclusion of a treaty on the prohibition of the use of force in outer space and from space against the Earth was of special importance. His delegation was convinced that the authority and effectiveness of the United Nations in protecting international peace and security could not be enhanced by amending the Charter, but only through strict and total compliance with its provisions.

45. Mr. BUDAI (Hungary) said that the Charter of the United Nations had stood the test of time. By acting in accordance with the principles and provisions of the Charter, the Organization had helped to maintain international peace and security. It was the opinion of his Government that the effectiveness of the Organization should be increased. It had always expressed its conviction that the countries which had been liberated from colonial bondage should occupy a place and play a role in the United Nations commensurate with their importance.

46. It was a source of satisfaction to his delegation that at its 1983 session the Special Committee on the Charter had accorded priority to questions relating to the rationalization of existing procedures of the United Nations. The Special Committee should continue its discussion on the proposals and suggestions that had been put forward on that topic with a view to reaching generally acceptable conclusions.

47. On the question of the maintenance of international peace and security, his delegation believed that the mandate given to the Special Committee by the General Assembly in its resolution 37/114 was of paramount importance not only for the Sixth Committee but for the Organization as a whole, particularly in view of the deterioration in international relations and the urgent need to limit the arms race, avoid a nuclear catastrophe and give new impetus to peaceful co-operation among States. The Special Committee should not abandon the task entrusted to it by the General Assembly in paragraph 3 (a) of resolution 37/114 but should draw up a list of those proposals submitted to it on which agreement seemed possible concerning the maintenance of international peace and security. In the opinion of his delegation, the only proposals on which agreement seemed possible were those aimed at fuller observance and more effective implementation of the Charter.

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(Mr. Budai, Hungary)

48. Where the question of the peaceful settlement of disputes was concerned, the elaboration of the Manila Declaration had marked a significant milestone in the work of the Special Committee. Mindful of that progress, his delegation had taken note of the proposal for the creation of a permanent commission on good offices, mediation and conciliation within the United Nations. It agreed with the views on that proposal recorded in paragraphs 104 and 105 of the Special Committee's report (A/38/33). It also welcomed the agreement reached in the Special Committee that the Secretary-General should be entrusted with the preparation of a preliminary outline on the possible content of a handbook on the peaceful settlement of disputes.

49. On the whole, the Special Committee had made useful if modest progress in implementing several elements of its mandate. The Committee's work should promote full compliance with the provisions of the Charter and contribute to strengthening the role of the United Nations on that basis.

50. Mr. MAKAREWICZ (Poland) said that, while his delegation did not fully share some of the views expressed on the underlying reasons for the modest results of the work of the Special Committee, particularly the criticisms of those favouring special prudence in dealing with the subject, it accepted the sincerity of their intentions. It too was profoundly concerned about the need to strengthen the United Nations and make it more effective. The increasing interdependence of all members of the international community meant that no State could say the United Nations possessed special importance for it alone. The Organization had been founded to be a centre for harmonizing the actions of nations in the attainment of common ends. The only alternative to the order established by the Charter was a new international anarchy that, in the nuclear age, would inevitably lead mankind to its extinction. That was why the United Nations continued to be the common hope and joint responsibility of all States.

51. Some delegations, understandably impatient to build a more secure world and a more equitable system of international relations, had put forward proposals that seemed to take for granted, and indeed to excuse, the imperfections of the modern world. They appeared to forget that the world was so deeply divided that global peace was kept not so much by law and justice as by the balance of power and sometimes, unfortunately, by the balance of fear.

52. He wondered how long the United Nations would exist as a universal organization if the principle of unanimity among the permanent members of the Security Council was abolished. Even at San Francisco, the need for great-Power unity if the Council was to discharge its duties properly had been emphasized and the grave consequences of any deviation from that principle had been pointed out. The question had since been raised in a number of forms, but the international community had always been wise enough to resist the temptation to disregard the political realities of the modern world. The Charter represented the maximum of what it had been possible to achieve in 1945, when the chances of success had been better than they were at present. It was therefore necessary to think twice before attempting to go beyond the Charter, for no changes should be made unless there was

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(Mr. Makarewicz, Poland)

some certainty of achieving something better. He wondered whether the many impossible tasks referred to by the representative of the Philippines could have been achieved if the Charter had been revised. It should also be remembered that the United Nations had proved to be an irreplaceable instrument in the evolution of world society and that the fixed provisions of the Charter had not prevented the emergence of new concepts in response to the needs of contemporary society.

53. The unimpressive results of the work of the Special Committee came as no surprise, given the fundamental differences of approach to the most basic aspects of the Committee's mandate. The Committee could succeed only if its work was based on the following premises: firstly, the Charter and the work of the Organization must take due account of the vital interests of all groups of States and safeguard them effectively; secondly, the delicate balance between the functions and competence of the principal organs of the United Nations, especially the Security Council and the General Assembly, could not be upset without jeopardizing the effective functioning of the Organization as a whole; and, thirdly, all proposals should be examined in the light of their effects upon the attainment of the purposes of the United Nations in accordance with the principles set forth in the Charter.

54. The Special Committee had faced a very complex situation in considering the most important element of its mandate, the maintenance of international peace and security. Some of the ideas in the draft recommendations submitted to it had also been touched upon by the Secretary-General, who, in his annual report for 1982 (A/37/1), had focused attention on issues central to the effectiveness of the United Nations in the field of the maintenance of peace and security, in keeping with the fundamental principles of the Charter. The Secretary-General's proposals and suggestions were in line with Poland's concerns. Since his views, together with other suggestions on possible ways to enhance the effectiveness of the Security Council were still being discussed within the United Nations, including the Council itself, it was essential to avoid any precipitous action in the Special Committee that might hamper existing activities at various levels. He also drew attention to paragraph 9 of the note by the President of the Security Council (S/15971) regarding the informal consultations on the subject within the Council itself, in which he reminded Member States of the important distinction envisaged in the Charter between the functions and specific powers of the Council and those of the other principal organs of the United Nations.

55. The effectiveness of the Organization would be enhanced if all organs concerned paid more attention to their role in preventing international conflicts by bringing potentially dangerous international issues to the attention of the Security Council. That objective could be served, *inter alia*, by advising the parties involved of solutions which would safeguard their long-term interests and by examining specific situations in the broader context of mutually beneficial co-operation, including economic co-operation, which would thus expand the general notion of security. It might also be useful to examine thoroughly the reasons why even unanimous resolutions of the Security Council often remained a dead letter. The recent tendency to resort to peace-keeping arrangements outside the United

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(Mr. Makarewicz, Poland)

Nations system of collective security, a tendency which adversely affected not only the effectiveness but also the credibility of the United Nations, should likewise be examined.

56. However, the real prerequisite for strengthening the role of the United Nations and maintaining peace and security was effective consolidation of the overall fabric of international relations in the extremely dangerous situation prevailing in the world. The international community must concentrate its attention on eliminating the most immediate dangers, stopping the arms race, reducing the threat of war, eliminating colonialism, neo-colonialism and racism and preparing economic confidence-building measures that could open up vistas for the new international economic order and free international relations from fluctuations and political expediency. All that was needed, therefore, was strict and consistent observance of both the letter and spirit of the Charter.

57. The Special Committee had made some progress in its work on the peaceful settlement of disputes. The fact that the Manila Declaration had been elaborated on the basis of consensus vindicated the approach which called not for amendment of the Charter but for the development and practical application of its principles and provisions. Any other approach would only result in disagreements which would ultimately detract from the authority and influence of the United Nations and endanger its very existence. What mattered was political will and readiness to reach agreement. Given the indisputable significance of the peaceful settlement of disputes for achieving the fundamental purposes of the Charter, every proposal on the subject deserved thorough attention. However, before detailed discussions began on particular proposals, there should be a comprehensive examination of existing mechanisms in order to identify possible loopholes and determine whether such mechanisms were properly utilized by States. It was necessary to act prudently and not attempt to create new artificial instruments that either would never be used in practice or would hamper the functioning of existing ones.

58. While his delegation appreciated the motives behind the proposal to establish a permanent commission on good offices, mediation and conciliation, it did have serious reservations. First of all, the proposal was not in accordance with Article 33 of the Charter, which gave parties to a dispute full freedom of choice of peaceful means of settlement. In addition, the proposal would give the proposed commission greater powers than those accorded the Security Council under Article 33, paragraph 2, and Article 36 of the Charter. It also directly affected the terms of reference and the competence of both the Security Council and the General Assembly. There was, of course, room for constructive and imaginative new proposals, but such proposals must be pursued within the established framework of the Committee's mandate. His delegation favoured the proposal to prepare a handbook on existing mechanisms and facilities within the United Nations for the peaceful settlement of disputes. That might be a modest but constructive step to promote the more effective use of existing mechanisms.

59. The work on the rationalization of existing procedures of the United Nations appeared somewhat irrational. After prolonged discussion, many proposals had been

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(Mr. Makarewicz, Poland)

summed up as being already reflected in the practice of the Organization. Moreover, the effectiveness of the United Nations should be subjected to permanent scrutiny by its principal organs, rather than by ad hoc bodies. The Organization should have built-in mechanisms for adjusting and improving its methods of work and its procedures. It might be useful for the Secretary-General, acting on his own initiative or that of Member States, to submit at fairly frequent intervals his suggestions on matters concerning the most effective mechanisms for the functioning of the Organization.

60. The work of the Special Committee could progress only if its mandate conformed to the real requirements of the Organization. Thus far, some aspects of its work had run counter to those requirements and, consequently, had caused general frustration. Fruitful results could not be expected unless the futility of approaches contrary to the Charter was fully realized.

61. Mr. KHAN (Pakistan) said it was the task of the Special Committee to ensure that the provisions of the Charter were safeguarded and strengthened. The effectiveness of the Organization depended on strict compliance by Member States with the provisions of the Charter. The failure of the United Nations in certain areas had often been attributable to the lack of political will on the part of Member States to respect the Charter, rather than to any loopholes in it. The changes that had occurred in the world since the establishment of the Organization obviously required that small- and medium-sized States should be allowed a greater role in the functioning of the United Nations without materially affecting the basic foundations of the Charter. It was therefore a matter of regret that no meaningful progress had been made by the Special Committee at its 1983 session.

62. Pakistan had consistently adopted a policy of non-aggression and pacific settlement of disputes with all States, and it had therefore welcomed the adoption of the Manila Declaration. His delegation had previously proposed, in connection with the peaceful settlement of disputes, that the Security Council should hold periodic meetings at ministerial level to exchange views on the international situation and review the status of implementation of its resolutions. It had also suggested that the Security Council should establish ad hoc subsidiary organs for the purpose of inquiry, good offices, conciliation and mediation, and that in certain cases the Council itself should engage in work of conciliation or mediation.

63. In that connection, his delegation noted with interest the working paper submitted by the delegations of Nigeria, the Philippines and Romania proposing the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States. However, it had some reservations about the proposal. It seemed that the proposed commission would act as a special session of the General Assembly every time a complaint was brought to its attention. That would be a cumbersome process and would only serve to add a new agency, with supporting secretariat staff, to the existing organizations of the United Nations. It might be more suitable to establish ad hoc machinery which could take into account the nature of each case. Personal representatives of the Secretary-General could also play a useful role in

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(Mr. Khan, Pakistan)

mediation efforts, as had been seen most recently in the indirect negotiations on the Afghanistan question, in which Pakistan had shown its very positive and constructive spirit. However, the proposed commission might be useful and his delegation did not want to prejudice its establishment at the current stage.

64. Mr. MAUNA (Indonesia) noted that some progress had been made in the Special Committee, particularly as a result of the adoption of the Manila Declaration on the Peaceful Settlement of International Disputes. His delegation wished to reiterate its appeal to Member States to settle their disputes by peaceful means, through all the existing machinery in the United Nations system.

65. His delegation supported the proposal of France that a handbook on the peaceful settlement of disputes should be prepared.

66. It was discouraging that the Special Committee had been unable to make substantive recommendations to the General Assembly on the topic of the maintenance of international peace and security. His delegation supported the appeal made by the Minister for Foreign Affairs of the Philippines to the members of the Special Committee to break the stalemate that had persisted throughout the Committee's most recent session. Furthermore, it endorsed the draft recommendation in document A/AC.182/L.29/Rev.1 and wished to stress that General Assembly resolution 37/114, paragraph 5 (a), clearly singled out that document as a proposal that should be accorded priority consideration. The draft recommendation was the most specific, detailed and balanced proposal put forward, and the Special Committee should therefore set aside ample time at its following session for consideration of that draft, with a view to submitting it to the Assembly at its following session.

67. His delegation hoped that the Special Committee would give further consideration to the question of the rationalization of existing procedures of the United Nations and that Member States would be able to establish common ground so that they could reach a consensus. It was concerned at the lack of substantial results, not only with regard to the topic of the maintenance of international peace and security, but also with regard to the Special Committee's work as a whole, and fully supported the statement made by the Chairman of the Special Committee in that connection. It was particularly disappointing that the Special Committee had been unable to fulfil its mandate under General Assembly resolution 37/114. Although his delegation believed that the Special Committee should continue to work within a specific mandate, what was really needed was political will on the part of the Special Committee's members. Despite certain misgivings, his delegation was in favour of the extension of the Special Committee's mandate.

68. Mr. TRAORE (Togo) said that his delegation shared the pessimistic views expressed with regard to the lack of progress made in the Special Committee. Although a certain amount of progress had been made in establishing machinery for the peaceful settlement of disputes, particularly as a result of the adoption of the Manila Declaration, it must be borne in mind that even the most perfect legal instruments were dependent upon the willingness of the parties involved to implement them. His Government, which was complying with the provisions of the Declaration, wished to appeal to all States to make that document an operational legal instrument.

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(Mr. Traore, Togo)

69. His delegation was in favour of the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States, as proposed in the annex to document A/38/343, provided that the proposed commission did not encroach upon the Security Council's powers.

70. His delegation appealed to other delegations to endeavour to overcome the differences of opinion that were hampering the Special Committee in its efforts to rationalize existing procedures of the United Nations in the field of the peaceful settlement of disputes. In recent years the United Nations appeared to have been straying from its purposes and principles, and the principle of the maintenance of international peace and security had become an empty slogan. The Security Council was no more than a sounding-board for the conflicting views of opposing power blocs. Partly as a result of that situation, in just the past five years a number of unjustifiable and irrational armed conflicts had intensified. The situation in question was largely a result of bad faith and intolerance.

71. The Special Committee had before it a set of specific, constructive proposals concerning the strengthening of the Security Council's structures and functioning. As the first phase of a long-term endeavour, those proposals should be synthesized. In the second phase, the proposed reforms should be considered from every point of view, and, in the final phase, implementation of the reforms should be reviewed. His delegation supported the revised draft recommendation submitted by the delegation of Egypt on behalf of non-aligned countries of the Special Committee (A/AC.182/L.29/Rev.1) and believed that particular attention should be paid to paragraphs 1 and 2 of the draft. Paragraph 1 did not in any way constitute interference by the General Assembly in the informal consultations under way in the Security Council on the views submitted by the Secretary-General on collective security, since the provisions of that paragraph were in fact in keeping with Article 11, paragraph 3, of the Charter of the United Nations. His delegation also supported the view expressed by the Chairman of the Special Committee that the Secretary-General should be requested to prepare a preliminary outline of a handbook on the peaceful settlement of disputes.

72. His delegation was in favour of the Special Committee's mandate being extended and believed that the General Assembly should make that mandate more specific.

73. Ms. PARIS (Venezuela) said that her delegation was concerned at the lack of progress in the Special Committee and believed that the view that the international status quo should be maintained was gaining ground. A radical change in the structure of international relations, particularly the structure of the United Nations, was called for. Her delegation therefore hoped that the Special Committee's work would be more productive at its following session and that it would be able to fulfil its mandate, in particular by submitting proposals to the General Assembly with a view to enhancing the role of the United Nations in the maintenance of international peace and security.

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(Ms. Paris, Venezuela)

74. The Special Committee had carried out useful work on the rationalization of the existing procedures of the United Nations, and her delegation supported a number of the proposals listed in paragraph 21 of the Committee's report (A/38/33). For example, it supported proposal 12 and believed that agreement could be reached on the alternative proposal (proposal 15) that the General Committee should engage in the careful consideration of questions related to the following General Assembly session before its opening, provided that it was borne in mind that the General Committee's recommendations were not binding. Her delegation endorsed the approach taken in proposal 19, which was closely linked to proposal 21. Proposal 23 reflected the decision taken by the General Assembly in resolution 34/401, which should be fully taken into account. Although proposal 28 was acceptable in general, it should be adopted with caution so as not to impose an excessive burden on the Sixth Committee.

75. Her delegation wished to reiterate its support for the revised draft recommendation on the question of the maintenance of international peace and security in document A/AC.182/L.29/Rev.1. It believed that priority should be given to consideration of that issue.

76. With regard to chapter IV of the report, on the peaceful settlement of disputes, her delegation wished to reiterate its view that international disputes must be settled through the peaceful means laid down in Article 33 of the Charter of the United Nations and that the relevant machinery should be strengthened. Implementation of the Manila Declaration was particularly important in that connection. Particular consideration should be given to the proposal put forward by the delegations of Nigeria, the Philippines and Romania concerning the establishment of a permanent commission on good offices, mediation and conciliation (A/38/343, annex).

77. In that connection, she wished to draw attention to the initiative taken by the Contadora Group, of which her country was a member. That initiative was based on the conviction that the endeavour to achieve peace in Central America depended on direct agreement being reached among the parties concerned and upon the willingness of all parties to negotiate.

78. Her delegation was in favour of the preparation of a handbook on the peaceful settlement of disputes, which should be practical and clear in its approach. Lastly, her Government was in favour of extending the Special Committee's mandate, so that it could continue to consider the proposals before it with a view to formulating effective recommendations.

ORGANIZATION OF WORK

79. The CHAIRMAN said that 63 delegations, including two observer delegations, had indicated that they wished to make statements under agenda item 123. Since rights of reply would probably also be made under that item, it would appear to be necessary to schedule a night meeting on the following Wednesday. He invited the members of the Committee to make alternative suggestions.

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