SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. GASTLI (Tunisia)

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The meeting was called to order at 11:02 a.m.

AGENDA ITEM 124: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)


1. Mr. FERRARI BRAVO (Italy) said that, from his country, had contributed actively to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. It had always set aside narrow-minded options or short-term national interests, feeling that the strengthening of the role of the United Nations was in the interest of all nations, particularly the small and medium-sized ones. In that spirit, Italy had welcomed the report of the Secretary-General on the work of the Organization submitted to the thirty-seventh session of the General Assembly, the most stimulating parts of which had been based, not by chance, on proposals previously discussed in the Special Committee. His delegation remained convinced of the importance of the Special Committee as a permanent forum for the proposal and study of innovations which might help the United Nations fulfill its purpose.

2. There was a need to bear aware of what was both useful and politically practicable. In the current political situation, an insistence on radical changes in the Charter and the practice of the principal organs of the United Nations, particularly the Security Council, would condemn the Special Committee to futile and acrimonious debates. At the same time, opposition to useful innovations which did not involve matters of principle could only lead to a further decline in the credibility of the United Nations. His delegation could not agree that otherwise generally acceptable proposals should be opposed solely because some States wished them expressed in a form other than a recommendation to the General Assembly. It did not, however, feel that all the proposals elaborated in the Special Committee should take the form of recommendations. Sometimes, it was enough to open the conclusions of the debates, especially when they were aimed not at the General Assembly but at the Security Council. The difficulties which had caused so much resentment in the Special Committee might be overcome if a more flexible and imaginative approach was adopted to the form which the results of the Special Committee's deliberations should take.

3. His country had not participated in the bitter debate that had marked the first part of the Special Committee's session, believing that it was impossible to apprise...
7. His country defended the United Nations and called for a review of the Charter to strengthen it, because the United Nations represented the only refuge for small countries, which were constantly threatened by force. Those countries wanted a more effective Organization so that their independence and interests might be better protected. Unfortunately, the Special Committee had made little progress on the question of maintaining international peace and security and the application of Chapter VII of the Charter. Although not a member, his country took a great interest in the work of the Special Committee, which was essential for the future of the United Nations, as it was the only body which examined ways of strengthening the role of the Organization. It must give serious consideration to all means likely to bridge the gap between principles and behaviour. It must be able to submit recommendations and achieve results in accordance with its mandate.

8. In view of the changes that had occurred since 1945 and the emergence of newly independent States, it was essential to modify and improve the Charter. The principle of equal representation and equality must be observed in all bodies, including the Security Council. The rule of unanimity must not be allowed to hamper the work of the United Nations. In the past, as a result of the use of the veto, the Security Council had not been able to adopt resolutions on matters affecting peace and security. In the light of repeated incidents of armed aggression, that paralysis of the Security Council was most serious. The victors in the Second World War had won for themselves the right of veto in order to protect their interests. However, those interests sometimes ran counter to those of other countries, and the irresponsible and undemocratic use of the veto made the will of over 150 States subordinate to that of the permanent members of the Security Council. The use of the veto on the question of Palestine and Namibia showed how it could impede the struggle for freedom and against racism, and how it was being used against peoples fighting against injustice. It had also been used with respect to the aggression against Grenada. Thus, it actually exacerbated problems. It was, however, important not to generalize, since the attitude of some permanent members of the Security Council was quite acceptable.

9. One reason for the lack of progress in the Special Committee on the question of the maintenance of peace and security was the vagueness of its mandate, as contained in paragraphs 2 and 3 of General Assembly resolution 35/164. The Special Committee should be instructed to focus on the dictatorial aspect of the role of veto, which reduced the credibility of the United Nations. It should also take into account the fact that the maintenance of peace and security was the responsibility of all Member States and that, if the role of the United Nations was to be strengthened, universality and democracy must be ensured. All Member States must be represented. The General Assembly should be given wider powers and the Secretariat should be rationalized to ensure the equitable representation of all States.

10. While the adoption of the Manila Declaration represented a step forward, the role of the United Nations in the peaceful settlement of disputes remained restricted. Efforts should be continued through the progressive development of international law, and the proposals made on the subject should be duly considered.

11. Introducing draft resolution A/6/38/L.14, he said that his delegation had sponsored the draft out of a desire to enhance the effectiveness of the United Nations, so that all bodies, particularly the Security Council, could act rationally to solve international problems and fight against colonialism and racism in all its forms. Its aim was to strengthen the role of the United Nations, eliminate the adverse effects for the maintenance of international peace and security arising out of the abuse of the rule of unaniity, to help peoples struggling for self-determination, against colonialism, apartheid, foreign domination, intervention, aggression and occupation, and to highlight the fact that the maintenance of peace and security was a common responsibility of all States Members of the United Nations, based on the principle of sovereign equality and democracy.

12. In conclusion, he thanked the Special Committee for its work and expressed the hope that it would be given a clearer mandate so that it might achieve more fruitful results in the future.

13. Mr. BOUCHY (Tunisia) said that his delegation was concerned about the lack of progress in the work of the Special Committee on the Charter and by the erosion of the powers of organs of the Organization, particularly those whose main task was the maintenance of international peace and security. The Organization was powerless to deal with the continuing deterioration in international relations and its mechanisms were not suitable for dealing with crisis situations. His delegation therefore urged that the mandate of the Special Committee should be clearly spelled out in order to enable it to overcome certain manoeuvres aimed at blocking the progress of its work. It was essential that the Special Committee should succeed in its work if the many weaknesses which characterized the functioning of the Organization were to be remedied.

14. Turning to the question of the maintenance of international peace and security, he said that it had become a commonplace to state that adequate security mechanisms established by the drafters of the Charter had become somewhat rusty in the past decades. Yet, there were many States, both big and small, which were more and more tempted to flout the provisions of the Charter and which deliberately violated its purposes and principles with impunity. The big powers, and more generally the permanent members of the Security Council, were not disconnected with that situation, as a result their direct action and also their indirect action when they abused the principle of unanimity in order to protect their allies when the latter were accused of endangering international peace and security. Thus, the Security Council was paralysed and prevented from taking appropriate action and, in particular, from implementing the provisions of Chapter VII of the Charter. His delegation therefore supported the revised draft recommendation on the subject presented by the non-aligned countries of the Special Committee. The purpose of the draft was to intensify efforts aimed at enhancing the effectiveness of the Security Council so as to ensure the adoption of prompt and effective action in the maintenance of international peace and security. Its purpose was also to limit exercise of the right of veto in the areas mentioned in paragraph 2 of the draft recommendation. The provisions of the revised draft...
recommendation constituted a contribution to the work of the Special Committee and were aimed at restoring the effective role of the Security Council. Experience had shown that the effort to achieve voluntary moderation in the use of the right of veto had been frustrated by the realities of tense situations. His delegation did not agree that the draft recommendation would conflict with the informal consultations currently being held in the Security Council. That argument was aimed, indirectly, at endorsing the idea that the maintenance of peace and security was the exclusive competence of the Security Council; it made little of the fact that the realization and consolidation of international peace and security was a task of concern to the international community as a whole. His delegation hoped that expression would be given to the idea of at least a tacit renunciation of the use of the rule of unanimity in such matters. It realized that the strengthening of the role of the Organization was not blocked only by abuses by the permanent members of the Security Council but also by certain other countries which undermined the very foundations of the Organization.

15. With regard to the peaceful settlement of disputes, he agreed that very often the United Nations had merely immobilized a conflict situation without being able to resolve it. The adoption of the Manila Declaration on Peaceful Settlement of International Disputes had not been followed up, since the role of the Organization had not been strengthened thereby. The proposal for the establishment of United Nations mediation and conciliation machinery deserved careful study. The idea of resorting to those techniques was found in Article 33 of the Charter, but the appropriate machinery was lacking. Moreover, in that Article, resort to those techniques was limited to disputes which had already arisen and which might degenerate into confrontations; it did not cover situations which had not yet reached that stage, but which were no less serious and which might become explosive. Attempts at mediation and conciliation had, hitherto, often been aimed not at preventing the outbreak of conflicts but rather at reconciling the points of view of the parties to an already serious conflict. In such circumstances, it was not surprising that the parties retreated behind rigid attitudes. That led to an accumulation of conflicts which were immobilized but rarely resolved. In the opinion of his delegation, an attempt should be made to develop the preventive character of multilateral diplomacy by establishing an appropriate organ which could take the place of an ad hoc committee. The role of that committee would have to supplement the work of other bodies of the Organization and it could be useful in maintaining peace before it was broken. The mediation and conciliation machinery could thus be used, preventively, to reestablish confidence between the parties to a potential conflict. It could also attend to the establishment of continuous dialogue between the parties apart from such good offices as the Secretary-General might undertake in that type of conflict. In order to be effective, the activities of the proposed committee must be discreet. His delegation would favour a small body, rather than a large and cumbersome one which might duplicate the work of the Organization's plenary body. In due course it would also be necessary to specify the competence of the proposed conciliation and mediation committee. In that connection, the OAU's Commission of Mediation, Conciliation and Arbitration might provide a model for the proposed ad hoc committee.

16. Concerning the question of the rationalization of existing procedures of the United Nations, his delegation did not agree that the general debate in the General Assembly should be a biennial rather than an annual event. That proposal would have the indirect effect of minimizing the role of the General Assembly, the democratic body par excellence of the Organization. On the other hand, the proposal that like agenda items should be merged or grouped deserved serious consideration. Greater care should be taken to balance the right of Member States to request the consideration of certain specific questions by the General Assembly, which should not be called in question, with the desire to ensure that the same aspects of a question were not examined by several committees.

17. Mr. XINES (Zimbabwe) said that his delegation could not but express concern and disappointment at the lack of progress in the work of the Special Committee.

18. Some of the proposals made on the subject of the rationalization of existing procedures of the United Nations, for example proposals (7), (8), (11), (18), (20), (21), and (28) in the list contained in paragraph 21 of the Special Committee's report (A/38/33) were worthy of further discussion. However, his delegation regarded as impractical the proposals that all items involving treaty drafting should be allocated to the Sixth Committee and that the Special Political Committee and the Fourth Committee should be merged.

19. In the Special Committee opinions had differed on the revised draft recommendation presented by the non-aligned countries on the question of the maintenance of international peace and security. It would be unrealistic to expect agreement on the notion that the questions referred to in paragraph 2 of the recommendation should be regarded as procedural and not subject to the unanimity rule in the Security Council. For instance, the examination of matters under Chapter VI of the Charter, the adoption of resolutions calling for a cease-fire, separation of armed forces and withdrawal behind borders in case of armed conflicts, and the admission of new Member States were substantive and usually controversial issues. The search for ways and means to enhance the maintenance of international peace and security should be wide-ranging rather than concentrated exclusively on the Security Council. All endeavours should be concentrated on enhancing the effectiveness of the United Nations collective security system. The unanimity rule should not be abused and the veto should be exercised with maximum restraint.

20. With regard to the peaceful settlement of disputes, the elaboration of the Manila Declaration on the Peaceful Settlement of International Disputes was the Special Committee's most tangible achievement. However, the Declaration by itself would not bring about peaceful settlement of disputes unless the necessary political will existed and there was proper machinery to enhance the effectiveness of the Declaration. His delegation therefore supported in principle the proposal to establish a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflict among States. However, the proposal was by no means free of controversial elements. For example, section II, paragraph 5, of document A/38/243, which clearly sought to provide for
third-party compulsory settlement of disputes, would not be acceptable to many states. It was also hoped that that and other aspects of the proposal would be thoroughly examined by the Special Committee.

21. His delegation recognized the value of a handbook on the peaceful settlement of disputes and agreed with the view expressed in paragraph 110 of the Special Committee’s report that the proposed handbook should be prepared in simple terms, 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.

22. Mr. CHUN (Singapore) said that the proposal for the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States (A/38/343) was a natural consequence of the adoption by the Sixth Committee at the thirty-seventh session of the Manila Declaration on the Peaceful Settlement of International Disputes. The proposed commission was within the framework of machinery for the peaceful settlement of disputes provided for by Chapter VI of the Charter of the United Nations. It could play an important role in preventive diplomacy during the embryonic stages of a dispute where the parties had not yet contemplated force of arms as a means of solving their differences. His delegation therefore supported the thrust of document A/38/343.

23. The proposed commission should have a fact-finding function in addition to its function of good offices, mediation and conciliation. The fact-finding function would be especially important when the commission was activated at the request of only one party to a dispute. In that connection, if, as proposed, the commission was to be a subsidiary organ of the Security Council and the General Assembly, it would be consonant with the basic premise of Article 35 of the Charter for it to be activated at the request of any State party to a dispute. His delegation had misgivings, however, about the idea that the commission could be activated automatically and be itself of any dispute. That would be giving the commission a power equivalent to that conferred on the Security Council by Article 34 of the Charter. In the opinion of his delegation, therefore, the commission could only be activated by a decision of the Security Council or General Assembly, a recommendation of the Secretary-General or a request by a State party to a dispute. His delegation also considered that in a situation in which the commission had been activated at the request of a State party to a dispute, the Security Council, General Assembly or Secretary-General should have the power to decide whether the commission should cease its operation. It was also important that the commission should not publicize its findings unless the State that had requested its services had given its consent. That element of strict confidentiality should not, however, apply where the commission had been activated by a decision of the Security Council or the General Assembly or by recommendation of the Secretary-General. His delegation made that suggestion for two reasons: first, it considered that the State that had requested the commission’s services should be given an opportunity to continue seeking a peaceful settlement of the dispute with the other party at the bilateral level that might be hampered if the findings of the commission were publicized. Secondly, it was possible that the findings of the commission might not favour the case of the requesting State. In that case, the requesting State might wish to consider bilateral negotiations with the other party to the dispute.

24. The fact that the effectiveness of the United Nations system in the area of international peace and security left much to be desired had not shaken his delegation’s commitment to and faith in the Organization and the principles of the Charter. It believed that the proposed commission could be a useful addition to existing machinery for the pacific settlement of disputes provided for in Chapter VI of the Charter.

25. Mr. VAN DENK (Netherlands) said that the question of the peaceful settlement of disputes was one in which the achievements of the United Nations and the impact of the provisions of the Charter on the conduct of Member States had not kept pace with the expectations of the founders of the Organization. It was clear that the attention devoted to the question by the Special Committee on the Charter and the Sixth Committee and in General Assembly resolutions could have only a minor influence on that situation. The results of the discussions and negotiations of the General Assembly at its thirty-seventh session had failed to increase that influence. The Manila Declaration on the Peaceful Settlement of International Disputes did little more than repeat what had already been stated in the Charter, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and in general principles of law. At the thirty-seventh session of the General Assembly, his delegation had said that what was needed was not a new preventive instrument but better implementation of existing instruments. There was no justification for retaining the question on the heavy agenda of the Sixth Committee and on the agenda of the Special Committee on the Charter unless there were prospects for an improvement of the implementation record.

26. It was questionable whether the proposed establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States and the proposed elaboration of a handbook on the peaceful settlement of disputes between States, to which reference was made in paragraph 3 of draft resolution A/C.5/38/L.9, offered such prospects. Even after the introduction of that draft resolution by the representative of Romania, his delegation was still not clear about the composition, functions, working methods and powers of the proposed commission. It was essential that in their discussions on the subject the Special Commission on the Charter and the Sixth Committee should take as a starting-point the premise that any new institution must be of an exclusively subsidiary and auxiliary character. It must also be agreed from the outset that the new institution’s functions and powers must in no way deviate from the division of functions and powers between the Security Council and the General Assembly in the field of dispute settlement as laid down in the Charter or infringe upon the discretion left to the Charter to select the peaceful means for the settlement of their dispute. At the same time, discussion of the proposal and the establishment of some sort of new institution should not divert attention from the
principal judicial organ of the United Nations, namely the International Court of Justice.

27. There were several institutions for the peaceful settlement of disputes whose services were seldom, if ever, used. His delegation questioned the usefulness of establishing yet another such institution.

28. The Secretary-General, in his 1982 report on the work of the Organization, had stated his intention to develop a wider and more systematic capacity for fact-finding in potential conflict areas, in order to carry out effectively the preventive role foreseen for the Secretary-General under Article 99 of the Charter (A/37/1, p. 6). His delegation looked forward to the development of such a fact-finding capacity. That whole question was of relevance to the Special Committee's work.

29. The Netherlands fully supported the proposal to prepare a handbook on the peaceful settlement of disputes, which could make available to States a clear and detailed survey of the existing means of settlement, together with a description of their character and scope and the procedures to be followed. The inclusion of procedures that might encourage countries to be guided by the experiences of others and to settle their disputes peacefully.

30. His delegation supported the request to the Special Committee on the Charter contained in paragraph 3 of draft resolution A/C.6/38/49.9 and hoped that that would direct the attention of the Sixth Committee to the implementation issue under agenda item 125.

31. Mr. ROTHSTEIN (United States of America) said that the 1983 session of the Special Committee on the Charter had been disappointing, particularly after the very successful 1982 session, which had subsequently led to the adoption by the General Assembly of the Manila Declaration on the Peaceful Settlement of International Disputes.

32. For several sessions, the Special Committee had scrupulously followed its basic mandate with regard to the peaceful settlement of disputes, drawing up and analysing a list of proposals and identifying areas on which agreement was possible; at its 1982 session, the majority had yielded to the insistence of the minority that the primary focus should be on the peaceful settlement of disputes. The ultimate result had been the adoption of the Manila Declaration, the Special Committee's sole positive achievement to date.

33. At the 1983 session, several non-aligned States had urged the Special Committee to begin work with the question of rationalization of existing procedures of the United Nations. Believing that to be an important question on which progress should be possible, his delegation had acquiesced in the request, although it had expected to focus on the question of maintenance of international peace and security and would never have had the temerity to suggest beginning with the rationalization item. Other States had insisted that a substantial portion of the remaining time should be devoted again to the peaceful settlement of disputes. His delegation had not objected to that proposal, which had come from the group hopefully referred to as the majority; it had hoped that the Special Committee, on taking up the question of maintenance of international peace and security, would have no major problem in coming to grips with substance.

34. Unfortunately, the majority had insisted on using a biased, incomplete and inaccurate paper, designed to further narrow and short-term interests. His delegation had warned that that was not a route to rapid progress, but had not attempted to block the desire of the majority. When its worst fears had been confirmed and the process had become hopelessly bogged down because of the uselessness of the paper, his delegation had urged the Chairman of the Special Committee to convene an informal group to try to identify areas on which agreement was possible. The frustration of the Chairman's efforts had turned out to be the death-knell of attempts to move forward with the Special Committee's work on international peace and security.

35. On the question of peaceful settlement of disputes, an artificial crisis had been created with regard to whether the Special Committee could make recommendations. A majority of delegations had tried to score trivial points. The draft Manila Declaration had been forwarded to the General Assembly without any unnecessary argument about whether a recommendation was involved. Yet, on the far less significant question of the handbook on the peaceful settlement of disputes, the so-called majority had decided that the term "recommendation" had to be used. His delegation had made it clear from the outset that it was pointless to argue about whether the Special Committee could make recommendations. No one doubted that it could reach conclusions to be included in its report to the General Assembly, which could then take action thereon. However, since some delegations were extremely sensitive about calling such conclusions recommendations, there was no reason to insist on the use of that term. Yet, others had insisted, for reasons unrelated to the issues at hand. Such an approach was not conducive to progress. The issues before the Special Committee were too serious to be approached in the spirit of scoring points. Had that depolitcal spirit of a cool-riglit prevailed at the 1982 session of the Special Committee, there would have been no Manila Declaration. Had that spirit prevailed in 1945, there might have been no United Nations Charter.

36. His delegation was concerned that the traditional sponsors of the Sixth Committee's draft resolution on the Special Committee on the Charter had yet been able to hold consultations with a view to achieving a consensus. It hoped that was not a sign of a further extension of the harmful spirit of confrontation.

37. With a spirit of good will and a desire to seek common ground in an effort to strengthen the role of the United Nations, there was much that could be accomplished. According to Article 1, paragraph 4, of the Charter, one of the Purposes of the United Nations was to be a centre for harmonizing the actions of nations in the attainment of common ends. That Charter-mandated spirit of good will should begin with the effort to negotiate a draft resolution which could be
adopted by consensus. At the current stage, it would be inappropriate for his delegation to indicate "...tails of such a text."

38. The Special Committee should proceed in an orderly fashion on the basis of the more than 70 proposals on the maintenance of international peace and security. Since the importance of general agreement was widely recognized, it would seem only prudent to deal, initially at least, with proposals on which general agreement seemed likely. Such an approach could not be said to stifle consideration, because all existing proposals on the maintenance of peace and security had already been discussed at least twice over the years. His delegation would not recommend yet another discussion of both the promising and the unpromising. Since all the principal organs of the United Nations and Member States themselves had a role to play in the maintenance of international peace and security, it would not be useful to single out any organ for special emphasis. So restricting an approach would obviously be counter-productive.

39. A draft resolution on the Special Committee which indicated that the time had come to place emphasis on the maintenance of peace and security, drew attention to the work to be done on other topics and reflected sensitivity about what was possible in the contemporary context and what would be counter-productive would have much to commend it. His delegation would be pleased to join in the adoption of such a draft resolution by consensus or to vote in favor of it, as in the past. A session of the Special Committee launched by consensus was more likely to contribute to strengthening the United Nations.

40. The United States had already made a number of proposals regarding the maintenance of international peace and security. It was prepared to take a positive approach to the various proposals made by others. It saw no need, at the current stage, to attempt to amend the Charter or to change the constitutional balance between the principal organs of the United Nations. There was much that could be achieved within the existing constitutional framework. There was not sufficient agreement on any conceivable constitutional adjustments to make the pursuit of such a course anything but counter-productive. Nor was it helpful to attempt to disguise proposals for constitutional change in sophisticated-looking suggestions of an allegedly procedural character. Slick arguments of the acceptable and the patently unacceptable only decreased the prospects for progress on proposals that had been acceptable. Confrontation over proposed constitutional adjustments was the engine of that evolutionary change which was the strength of any constitutional system. The modest suggestions made by his and other delegations should occupy the attention of the Special Committee for the time being. When work on those suggestions was exhausted, it might, at some future time, be reasonable to consider whether other more far-reaching changes were needed.

41. Much more needed to be done in the vital area of peaceful settlement of disputes. Some proposals could benefit from further consideration and the new Philippine-Romanian proposal had not yet been considered at all. The idea of self-triggering third-party involvement in the settlement of disputes was not without appeal. It could be seen as a particular aspect of the more general need to avoid situations in which matters came to the attention of the international community only after fighting had broken out. The United States appreciated the general notion that third-party involvement was the best way to deal with disputed issues on the basis of sovereignty equality. Other aspects of the Nigerian-Philippine-Romanian proposal, including the creation of new mechanisms where existing ones were not used, and the potential constitutional issues which the proposal appeared to raise required careful examination. His delegation looked forward to detailed consideration of the proposal with a view to determining whether general agreement was possible on it or, more realistically, on a variation of it.

42. With regard to the handbook on the peaceful settlement of disputes, there should be no problem in making further progress, because agreement in principle already existed on the proposal. His delegation hoped that the handbook could be prepared by the Secretariat, which should include an exhaustive compilation of existing institutions and recommendations. Such material would be useful not only in the preparation of the handbook, but also in the discussion of the entire question of peaceful settlement of disputes.

43. Much more could be done to rationalize the existing procedures of the United Nations. There was no doubt that inefficiency was inextricably linked to substance. It was easy to play down the importance of enhancing the effectiveness of the United Nations system and to focus on more dramatic issues. Since there were many areas focusing on the dramatic issues and since consideration of all questions of substance throughout the system was adversely affected by inefficient working methods, his delegation suspected that the greatest potential for further contribution of the Special Committee might be in enhancing the effectiveness of the system. That was a field in which progress might be possible even at times when there was not a great degree of international agreement and co-operation on issues of substance as there had been at other times. His delegation hoped that its various proposals, including proposals to prune the agenda, would commend themselves to others. In any event there were a number of proposals in that area which had awakened special interest and on which more work was called for.

44. There could be a positive role for the Special Committee if there was a concerted effort to build carefully on common ground. If none insisted on short cuts because they had the majority to vote for them in a resolution, the effort would be doomed to failure from the start. His delegation would regret such a development. It invited others to join it in seeking a common basis from which to pursue common goals.

45. Mr. SUCHAM (Democratic Kampuchea) said that his country had welcomed the adoption of the Manila Declaration on the Peaceful Settlement of International Disputes (General Assembly resolution 37/20, annex). However, contrary to the hopes of the international community, the Declaration had not made Viet Nam more flexible in its attitude; it persisted in its aggression against Kampuchea, whose population was being subjected to Vietnamese oppression and whose national existence itself was threatened by Viet Nan.
46. To the international community's efforts to promote the peaceful settlement of disputes between States, the Vietnamese aggressors were responding with a systematic misreading of international codes of conduct and with contempt for efforts to enforce them, to the obligation to renounce the use of force in the settlement of an existing dispute, set forth in section I, paragraph 13, of the Manila Declaration, Viet Nam had responded with an armed invasion; to the requirement of respect for the fundamental principles of international law concerning the sovereignty, independence and territorial integrity of States (sect. I, para. 4) it had responded with de facto territorial occupation, conquest and annexation; to the requirement of good faith in international relations (sect. I, para. 1) it had responded with lies, hypocrisy and the establishment of a puppet régime; to the affirmation of the right to self-determination (preamble) it had responded with an implacable and ferocious offensive against resistance movements and with blind bombings of civilian centres sheltering people who had fled the Vietnamese oppression.

47. In addition, Viet Nam had responded with massacre, torture and the dislocation of population to the appeal for the condemnation of colonial and racist oppression. It was scoffing at the Manila Declaration and at the United Nations itself. At five consecutive sessions, the General Assembly had adopted resolutions calling for the total withdrawal of Vietnamese troops from Kampuchea so that the people could exercise their right to self-determination. Viet Nam had qualified those resolutions as "erroneous". The future of the United Nations would be dismal indeed if Member States branded its resolutions "erroneous" when they objected to them.

48. In section II, paragraph 3 (c), of the Manila Declaration, it was recommended that all States should consider utilizing, for the peaceful settlement of their disputes, the subsidiary organs established by the General Assembly. The International Conference on Kampuchea was such an organ. Viet Nam, however, had refused to participate in its work.

49. His delegation's observations on the question of peaceful settlement of disputes were an appeal to the conscience of States and an appeal for help that went beyond a legal examination of the issues.

50. Mr. ROMANOVA (Secretary of the Committee) announced that Yugo had become a sponsor of draft resolution A/C.6/38/2.9 on peaceful settlement of disputes. The Islamic Republic of Iran had become a sponsor of draft resolution A/C.6/38/4.14 on the report of the Special Committee on the Charter.

The meeting rose at 12.55 p.m.