SUMMARY RECORD OF THE 57th MEETING

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The meeting was called to order at 2:25 P.M.

AGENDA ITEM 12A: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)


1. Mr. Khali (Egypt) said that the report of the Special Committee on the Charter of the United Nations and on the strengthening of the role of the Organization had assumed more importance in recent years owing to the ongoing developments in the role of the United Nations in the modern world and the need to strengthen that role. In his statement to the General Assembly on 30 September 1983, Mr. Mubarak, President of Egypt, had referred to the need to strengthen the role of the United Nations in the maintenance of international peace and security and the peaceful settlement of disputes and had said that the present circumstances called for an objective re-evaluation of the existing international system. The Special Committee was one of the bodies responsible for such a re-evaluation. His delegation endorsed the sentiments expressed in the report of the Secretary-General on the work of the Organization to the effect that despite the efforts of many, 1983 had, so far, been a frustrating year for the search for peace, stability and justice.

2. The report of the Special Committee itself was disappointing since it showed clearly the inability of the Special Committee to carry out that part of its mandate relating to the maintenance of international peace and security. Consideration of the report of the Special Committee should start with the topic of rationalization of existing procedures of the United Nations. The Working Group had decided to use the draft list prepared by the Philippines and Romania (A/38/182/WG/39) as the basis of its work and had considered most of the proposals related to the General Assembly (general debate, ministerial consultations, agenda, General Committee, and Main Committees).

3. Of the 31 proposals considered there were six concerning which the Committee might submit recommendations. They were the following: that like items should be merged or grouped; that specific items should be referred, where relevant, to other United Nations organs or specialized agencies; that the General Committee should review the work of the Assembly throughout; that the Committee should take the initiative to group similar items and to hold a single general debate on them; that the General Committee should consider questions related to the next General Assembly session before its opening; that when a Committee of General Assembly discussed the transfer of an item inscribed on its agenda to another Committee, consultations must take place between the Chairman of that Committee and the Chairman of the Committee to which it was proposed that the item be transferred, in order to ascertain the ability of the latter Committee to undertake its consideration in a serious manner.

4. His delegation had submitted that last proposal and it was prepared to negotiate an acceptable formula, bearing in mind the improvements suggested by the delegations of Algeria and the United Kingdom, namely, that the consultations should be open to all members of the Committees and that the function of the General Committee should not be impaired. He hoped that in its resolution on the subject at the present session, the General Assembly would request the Special Committee to complete its work on the rationalization topic so as to submit recommendations to the General Assembly at its thirty-ninth session.

5. General Assembly resolution 37/L14 paragraph 5 (a) requested the Special Committee to accord priority in its work to the proposals regarding the question of the maintenance of international peace and security. The Working Group had studied documents A/38/182/L.25/Rev.1, A/38/182/L.25 and A/38/182/M/51 and had sought to draw up the list referred to in paragraph 3 of the same resolution.

6. Document A/38/182/L.29/Rev.1 had been introduced by his delegation on behalf of the non-aligned countries and had been revised at the end of the Special Committee's Geneva session in 1982, in light of the comments made during the consideration of that document. His delegation hoped that the revision would enable the Committee to progress with its work and achieve the aim set forth in the mandate outlined in resolution 37/L14 and submit relevant recommendations to the General Assembly. Unfortunately, that hope had not yet been fulfilled, even though the delegations of the non-aligned countries represented in the Working Group had pointed out that the revised draft did not represent a dogmatic approach since it was to be the subject of possible improvement and that the areas of agreement could be enlarged through a genuine exchange of views (para. 27 of the report).

7. A minority of members of the Special Committee had sought to prevent the Committee from making the desired progress by again raising the objections they had voiced during the 1982 session. He drew attention in that regard to paragraphs 38 to 78 of the report.

8. The answer to the objections raised by some delegations could be found in paragraph 28 of the report - it was that informal consultations in the Security Council did not preclude the Committee from considering the revised draft or submitting a recommendation to the General Assembly since the Committee was not a subsidiary organ of the Security Council, rather it was a subsidiary organ of the General Assembly; the Council and the Assembly were two principal organs of the Organization, each having competence in the field of the maintenance of international peace and security (the Assembly was not a subsidiary organ of the
Council); moreover, resolutions 37/67 and 37/114 which addressed requests to the Council and to the Special Committee emanated from the same principal organ, the General Assembly at its thirty-seventh session; the task of the Committee could not be interpreted as an interference in the Council's work, but rather as complementing and facilitating that work.

9. His delegation had been among the first to comment on the proposal contained in document A/AC.182/L.25 at the thirty-seventh session of the Assembly and it endorsed the comments contained in paragraphs 86 and 87 of the report.

10. The delegation sponsoring the proposal contained in document A/AC.182/WG.51 had requested that consideration of it should be suspended for the reasons stated in paragraph 91 of the report; however, his delegation had refused those reasons with the argument that, as indicated in paragraph 92, the fact that the Security Council was discussing a certain matter should not be considered sufficient reason to withhold consideration of the same matter by the Special Committee.

11. The Working Group had been unable to draw up the list of proposals regarding the question of the maintenance of international peace and security called for in General Assembly resolution 37/114, and the consultations held by the Chairman of the Special Committee had likewise failed to produce any results; in view of the fact that work was at a standstill, a new approach should be adopted. The General Assembly should perhaps alter the Special Committee's mandate to include completing the current work on the rationalization of procedures with a view to submitting recommendations to the General Assembly at its thirty-ninth session, giving priority to the subject of the maintenance of international peace and security and concentrating on the functioning of an organ in order to submit recommendations within a specified time.

12. As usual, his delegation would make a further statement on the question of the peaceful settlement of disputes between States, which was the subject of a separate item on the Committee's agenda.

13. Mr. JHA (Nepal) said that, even during the drafting of the Charter of Communist China and in San Francisco, it had been recognized that the Charter was not a perfect instrument and that improvements to make it more responsive to changing needs might be considered under Articles 103 and 109. It had now become clear that bringing about such changes was not a simple exercise. The Charter was a delicate instrument which, theoretically speaking, provided most of the conceivable instruments for fulfilling the objectives of the Organization; the problem which had subsequently arisen was that the international balance of power had changed substantially, paralysing the functioning of the Charter. The issue before the Sixth Committee was therefore related not to the restructuring of the Charter, but to its thorough implementation so that the objectives originally conceived by the founders of the United Nations might be realized.

14. Generally speaking, all delegations agreed that the major organs of the United Nations and the security principal settlement of disputes needed to be strengthened and that the existing procedures of the United Nations should be rationalized. However, as the report of the Special Committee showed, the consensus evaporated when it came to deciding on the appropriate means of achieving those goals.

15. In reviewing the topics before the Committee, his delegation wished to draw attention to the observations made by the Secretary-General in the report he had submitted to the General Assembly in 1992, which had spoken of the importance of the organization in a world that was perilously near to a new international anarchy, and in his latest report, which also appeared to regret the lack of any progress.

16. With regard to the question of the rationalization of existing procedures in the United Nations, there should be no escalation of institutional structures. In view of the limited time available during the regular session of the General Assembly, it might be beneficial to set a time-limit for statements and to omit items which had not been taken up within the last two years by any of the Committees. While there was a need to avoid duplication of work by the different Committees, there was also a need to preserve the right of the plenary Assembly to consider items without their first going to the Main Committees. It had been agreed that questions of general implication on draft resolutions should be given early consideration, but a substantive proposal needed to be developed regarding that issue.

17. The revised draft submitted by Egypt on behalf of the non-aligned countries on the question of the maintenance of international peace and security provided an appropriate basis for the consideration of that item. The revised draft dealt clearly with the question of strengthening the role of the Security Council. His delegation did not believe that the efforts of the Special Committee infringed upon the rights of the Security Council because, in examining ways of making the Council more effective, the Committee would be acting on the basis of collective responsibility, which was fundamental to the United Nations.

18. His delegation interpreted paragraph 2 of the revised draft as upholding the principle of the veto in the Security Council. The institution of the veto reflected the character of the world body in the context of the distribution of power as it had existed since the end of the Second World War. Only voluntary self-restraint could temper abuses by the permanent members.

19. Article 28, paragraph 2, of the Charter referred to the holding of periodic meetings of the Security Council at which "each of its members may, if it so desires, be represented by a member of the executive, or by some other especially designated representative". Nepal had made an effort to bring about the implementation of that article when it had been a member of the Security Council, and continued to believe that its implementation would help to strengthen the functions of the Security Council.
20. The broad powers conferred on the General Assembly under Article 11 of the Charter also needed to be reinforced. The number of issues considered at each session should not be allowed to proliferate but should be limited, so that the crucial items could be dealt with more adequately.

21. Efforts had been made to omit any reference to General Assembly resolution 377 (V) of 3 November 1950. Some countries had pointed out that that resolution was in contradiction to the Charter of the United Nations. Nepal would not support any move to ignore that provision, because on various occasions when the United Nations had been confronted with a crisis the General Assembly had been instrumental in helping to create methods to deal with the situation.

22. The Office of the Secretary-General also needed to be strengthened, and Nepal shared the views expressed by the Secretary-General, in particular on the need to lend further support to his efforts in dealing with issues which threatened international stability. The powers of the Secretary-General under Articles 98 and 99 of the Charter needed to be given clearer expression.

23. Where the question of the peaceful settlement of disputes was concerned, his delegation regretted that the means provided in Article 33 had not yet been fully utilized and reiterated the need to move expeditiously in finding ways to realize the aims of that Article. The Manilla Declaration on the Peaceful Settlement of International Disputes, adopted by the General Assembly in 1982, was an important step in that direction. The cardinal principle of the Charter was clearly expressed in paragraph 13 of the Declaration.

24. The working paper entitled "Establishment of a Permanent Commission on Good Offices, Mediation and Conciliation for the Settlement of Disputes and the Prevention of Conflicts among States", contained in document A/38/343, was another laudable effort in that field. His delegation in principle supported the theme of the working paper but considered that the establishment of the Commission should not obstruct the exercise of the Secretary-General's powers to appoint mediators, etc., as instructed by the relevant organs of the United Nations.

25. Mr. KOR (Democratic Kampuchea) thanked the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for his introduction of the Committee's report and expressed regret at the fact that so little progress had been made at the last session of the Special Committee. He sincerely hoped for a new spirit in the Special Committee and in the Sixth Committee's discussions, since the debate directly involved the whole future of the United Nations and the implementation of the lofty principles of the Charter, especially non-use of force in international relations and peaceful settlement of disputes.

26. One cause of the present anxious situation was the paralysis of the Security Council, the principal organ responsible under the Charter for the maintenance of international peace and security. That paralysis had become evident in such cases of serious violation of the Charter principles as the acts of aggression committed by Viet Nam against Democratic Kampuchea and by the Soviet Union against Afghanistan. Those cases of aggression were the result of deliberate actions by a super-Power, a permanent member of the Security Council possessing the veto, which it had abused in order to defend and preserve its strategic interests in Afghanistan and those of its ally, Viet Nam, in Kampuchea.

27. His delegation supported the draft recommendation in document A/AC.182/L.29/Rev.1, and particularly paragraphs 1 and 2. The provisions of paragraph 1 did not constitute interference by the General Assembly with the informal consultations that were taking place in the Security Council on the ideas put forward by the Secretary-General regarding the collective security system. Some delegations had expressed the view that, as paragraph 2 dealt with issues which were at the heart of the collective security system, proposing Charter amendment, de jure or de facto, was not realistic. His delegation welcomed the Japanese delegation's proposal in working paper A/AC.182/WG/55, which was designed to overcome those difficulties.

28. He was also grateful to the delegations of Romania and the Philippines for the proposal they had submitted to the Working Group regarding the peaceful settlement of disputes, which was one of the main concerns of the international community. He was gratified that Niger had joined the Philippines and Romania in formally submitting a working paper 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. His delegation welcomed the idea of establishing the Commission and thought that it should be a subsidiary organ of the United Nations.

29. His delegation also supported the idea put forward in paragraph 109 of the Special Committee's report that the Secretary-General should be entrusted by the General Assembly with the preparation of a preliminary outline on the possible contents of a handbook on the pacific settlement of disputes which would comprise all existing means and mechanisms available for the purpose. Democratic Kampuchea, like many other countries, had placed its hopes in the United Nations as a vital factor in upholding the independence, sovereignty and territorial integrity of Member States and maintaining international peace and security. It therefore supported all efforts to strengthen the role of the Organization and favoured the renewal of the Special Committee's mandate. It was also of the view that the General Assembly should define that mandate more clearly.

30. Mr. DE PAIVA (Brazil) said that he shared the view of Mr. EL-ARABY, who had said in his introductory statement that the last session of the Special Committee had been a very useful one. The Committee had gone back to basic questions concerning its own mandate, the status of the results of its work and whether or not those results constituted recommendations. Nevertheless, Mr. EL-ARABY deserved thanks for his untiring efforts to make the Committee comply with the instructions it had received from the General Assembly.
31. Paragraphs 13 to 15 of the Special Committee's report reflected the level of disagreement that had marked the 1983 session. Although they related only to the statements made at one meeting, they actually revealed the spirit of a great part of the four working weeks and the difficulties the Committee had had to face in dealing with the two main subjects before it, the peaceful settlement of disputes and the maintenance of international peace and security. The Working Group, despite reaching agreement on the substance of the proposal by France concerning the elaboration of a handbook on the pacific settlement of disputes, had had to proceed to extensive rounds of formal and informal negotiations so as to find a way to reflect that agreement without clearly mentioning that it constituted a recommendation to the General Assembly. It had been argued that raising issues of a purely theoretical nature, such as the question of recommendations, served no useful purpose. Brazil totally disagreed with that point of view. In fact, behind the question of recommendations was the whole problem of whether a subsidiary organ of the General Assembly could seriously discuss the functioning of the Organization with the expectation that the results of those discussions would serve a meaningful purpose. The matter was political and it was on political grounds that some of the delegations which considered it theoretical had consistently maintained that the reference to recommendations in General Assembly resolutions relating to the work of the Committee should be submitted to a vote.

32. However, the question of recommendations was undoubtedly even more closely linked to the maintenance of international peace and security. During the last session, the Committee's work on that subject had concentrated on two points: the draft recommendation contained in document A/AC.182/L.29 and the revised version in document A/AC.182/L.29/Rev.1, and the elaboration of the list requested in resolution 37/114. The discussions on document A/AC.182/L.29 were accurately reflected in the report. Brazil regretted that, despite the broad support received by the document both inside and outside the Committee, it had so far proved impossible to reach a final decision on it. The lack of progress on matters of vital importance such as those dealt with in document A/AC.182/L.29 could only stimulate initiatives outside the Special Committee touching on the work of the Security Council. Brazil understood the concern behind those initiatives and continued to believe that the functioning of the Council should be a matter for the attention of all Member States.

33. As for the preparation of the list, since the first days of the discussion it had been evident that the Committee would not be able to reach any acceptable conclusion. General agreement was always possible when there was a real spirit of negotiation. What could not be accepted was that, before any attempt was made, proposals should be rejected simply because in their original formulation they were not entirely in accordance with the point of view of one delegation or a small group of delegations. Brazil was prepared to start working on ideas with broad possibilities for agreement.

34. In the light of those considerations, and in view of the divergences reflected in paragraphs 13 to 15 of the report, it could only be expected that the Committee would look for alternative ways of action. Although his delegation agreed, however, that a fresh look at the Committee's mandate would be required, Brazil believed that agreement was still possible on documents of the importance of the draft recommendation, it was prepared to take a fresh look at the Committee's mandate.

35. It seemed that the question of the rationalization of existing procedures of the United Nations now deserved final consideration. The subject was not a priority one but, once it had been decided that the Special Committee should take it up, a conclusion had to be reached in the shortest possible time.

36. The Committee already had enough material to work with in the field of the peaceful settlement of disputes. Preparation of the handbook would begin, and the following year the Committee would have before it the proposal presented by the Governments of Germany, the Philippines and Romania, concerning the establishment of a permanent mediator for the settlement of disputes. Brazil shared some of the doubts expressed about the proposal. Before recommending to the establishment of any new mechanisms, some thought should perhaps be given to activating mechanisms already available but never really utilized, such as, the establishment of an ad hoc panel or the listing of experts and institutions. In any case, Brazil had no objection to the proposal.

37. The elaboration of the list of proposals on the maintenance of international peace and security no longer served any useful purpose. In recent months a fruitful work had been performed, stressing the need to enhance the role of the United Nations in the area of peace and security. The possibilities for fruitful work depended to a large extent on the good will of those countries which had refused to join the Committee's work. Brazil hoped that, in 1983, those countries would join the Committee's work.
Mr. Schaeffer, Federal Republic of Germany

39. To that end, efforts had been made to explore some of the avenues mentioned by the Secretary-General - including the consultations held by members of the Security Council with its President (document S/15971). That exercise must be continued with genuine political determination to achieve meaningful results.

40. However, the search for ways and means to improve the effectiveness of the United Nations should not be limited to the Council, but should involve the active participation of the Organization's Member States, large or small. As the Secretary-General had observed in his most recent report, priority must be given to the cohesion and co-operation of Member States in facing threats to international peace, and it should be recognized that such threats were of an importance which should override the differences of interest and ideology which separated the membership.

41. In his delegation's view, it was high time for all delegations to heed the appeal for constructive co-operation and set aside their different national and ideological interests and political convictions. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, which by its very nature was removed from the debates on controversial issues in the political organs, should play a leading role in the search for practical improvements to the security mechanism, since its business-like atmosphere was suitable for a factual analysis of the situation and for a joint effort to identify possible ways of achieving real progress.

42. In that light, his delegation joined the large number of delegations which had voiced disappointment at the results of the Special Committee's previous session. However, it welcomed the sound and constructive discussion of the topic "rationalization of existing procedures of the United Nations" and hoped that the Special Committee, in a similar spirit, would be able to submit relevant recommendations to the General Assembly at the thirty-eighth session.

43. His delegation also attached great importance to the peaceful settlement of disputes, and had therefore taken an active part in the preparation and finalization of the Manila Declaration on the Peaceful Settlement of International Disputes - in its view, the Special Committee's most important achievement. It was highly important to ensure that all Governments implemented the Declaration's provisions; in that connection, the idea that the Secretary-General should be requested to prepare a preliminary outline of the possible contents of a handbook on the peaceful settlement of disputes, comprising all means and mechanisms currently available for the purpose, was a step in the right direction.

44. His delegation had noted the proposal to establish a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States (A/38/343), aimed at facilitating and contributing to the implementation of the Manila Declaration; his delegation was ready to give its serious consideration in the Special Committee. It noted with interest the emphasis given in the proposal to the prevention of conflicts; on the other hand, it shared the concern expressed by other delegations regarding the inherent dangers of any proposal aimed at establishing new permanent bodies. To formalize and institutionalize procedures in that vital field would lead to further duplication and complication of the work of the United Nations, producing an effect contrary to that which the authors intended of the proposal. The unique nature of each dispute between States required that the Organization's response be flexible and tailored to the specific features of the dispute in question.

45. His delegation regretted the Special Committee's lack of success on the question of the maintenance of international peace and security. The reasons for the deadlock were political and procedural in nature. As a first step to overcoming them, all delegations should renew their determination to seek the common goal through common efforts. The aim should be the identification of areas of co-operation, rather than the protection of partisan interests. A broader approach was needed. Consequently, his delegation considered that the Charter's provisions should be revised in that connection. In any case, to place the blame for the deadlock on certain States or groups of States was not conducive to the success of future work.

46. The 1983 session had provided further proof that the Special Committee's working procedures were impracticable. Despite efforts by the Chairman and many delegations, the Committee had failed to make progress in drawing up a list of proposals concerning international peace and security. As a result, the Chairman of the Special Committee had suggested that the listing process should be abandoned and that, instead, specific issues should be identified which would enable tangible results to be achieved. Seemingly the idea would involve, first, the identification of a limited area of fundamental importance for the role of the United Nations in maintaining international peace and, second, the submission of proposals on which general agreement seemed possible.

47. It appeared from the observations made by the Secretary-General and by various delegations that that specific area should be the prevention of international conflicts by the United Nations. His delegation agreed and believed that, in times of conflicts by the United Nations, his delegation had an important function in that respect and that should therefore continue its work, preferably with a new and more specific mandate, particularly in the field of maintenance of international peace and security. His delegation was ready to co-operate actively in that work.


49. The CHAIRMAN invited the Committee to take up draft resolution A/C.6/38/L.5.
50. Mr. ROSENSTOCK (United States of America) said he would like to know whether draft resolution A/C.6/38/L.5 and the statement of its financial implications in document A/C.6/38/L.10, which had been prepared under the clear provisions of rule 153 of the rules of procedure of the General Assembly accurately reflected the procedure's opinion as it stood. Before any decision could be adopted on the draft resolution, it was obviously necessary to have an accurate updated statement of its financial implications.

51. The CHAIRMAN said that the question raised by the representative of the United States was quite to the point, since document A/C.6/38/L.5 did not entirely tally with the statement of the administrative and financial implications. However, if the Committee had no objection, he would suggest that, in order to adhere as closely as possible to the schedule, the draft resolution should be introduced, pending submission by the relevant budget section on the following day of an accurate updated statement of administrative and financial implications.

52. Mr. CAIPE ROODRIGUES (Brazil) said that he would like some clarification on the question raised by the United States representative. He mentioned that he had made a new statement of financial implications. It was his understanding, however, that the only problem was the dates proposed in document A/C.6/38/L.10 for the session of the Ad Hoc Committee, and that was something which the sponsors of the draft resolution could settle. In any case, he wished to know whether there were other considerations involved.

53. The CHAIRMAN said that in view of the change of dates there might be new financial implications, and that was why document A/C.6/38/L.10 needed to be updated. Moreover, the session would be held in Geneva, which would result in no doubt change the financial implications. In any case, he would repeat that he saw no reason why the draft resolution should not be introduced immediately in the Sixth Committee. For, while it was true that the financial implications were within the Committee's competence, it was equally true that competence in that respect ultimately rested with the Fifth Committee.

54. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation would have no objection to the sponsors' introducing the draft resolution and would take a decision on the financial implications on the basis of the available documentation. Any change in the documents on financial implications would automatically result in a reduction in expenditure. However, if the change in the dates and place of the session increased the financial implications, the question would need to be reconsidered. But if the intention was simply to take decisions on the basis of the documentation, bearing in mind that there must be no increase in expenditure, his delegation agreed with that approach and would welcome an immediate decision.

55. Mr. ROSENSTOCK (United States of America) said that his delegation had doubts as to whether specific dates should be included in the resolution. In any case, he did not want acceptance of the resolution to constitute a binding obligation to adhere to those dates if they turned out not to be the most effective. The question was within the competence of the Fifth Committee, although not exclusively so. While it was a matter of preference, and his delegation had its own preferences, the clear wording of rule 153 made no allowance for preferences. No resolution involving expenditure could be recommended by a committee for approval by the General Assembly unless it was accompanied by an estimate of expenditures. The best course would be to comply with rule 153.

56. The CHAIRMAN said that the United States delegation's observations were to the point, but one must bear in mind the maxim that he who could do more could do less. According to the competent budget services and the estimates, meeting in Geneva would cost less than had previously been allowed for. He therefore believed that it would be possible for the Sixth Committee to submit the draft resolution against the background of the financial requirements stated in document A/C.6/38/L.10.

57. Mr. ROSENSTOCK (United States of America) said there were times when the spirit of a rule was more important than the letter, but that was not so in the present case. Rule 153 was very clear, and his delegation found it difficult to understand why the Legal Committee should deviate from it.

58. The CHAIRMAN said that he appreciated the United States delegation's difficulties, and in particular its strict interpretation of rule 153.

59. Mr. AKEMI (Nigeria) said that the sponsors would await the statement of administrative and financial implications before introducing the draft resolution.


60. Mr. KHOISSAUKHAN (Mongolia), introducing draft resolution A/C.6/38/L.7 on behalf of the sponsors, said that it was the result of wide consultations among many interested delegations and reflected both the results of the 1983 session of the Special Committee and the views expressed by many delegations during the debate on the report of the Special Committee.

61. The debate had revealed that the overwhelming majority of Member States were in favour of the continuation of the Committee's work; that was reflected in paragraph 2 of the draft resolution, which provided for the Committee to continue its work "with the goal of drafting, at the earliest possible date, a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee deems appropriate".

62. The fourth preambular paragraph reflected one of the changes in that it took note of the statement made by the Chairman of the Special Committee at its session in 1983. A new sixth preambular paragraph took note of the prospects of the progress in the Special Committee's work registered during its previous session, while paragraph 3 requested the Special Committee to continue at its forthcoming session its work on the elaboration of the main elements of the principle in question.
Mr. SCHICHE (France) requested a recorded vote on the draft resolution.

Mr. DR. PINTOS (Spain), speaking in explanation of vote before the vote, said that his delegation had absolutely no doubt about the crucial importance of the principle of prohibiting the threat or use of force in international relations or the need to improve the effectiveness of that principle, but did not believe that the appropriate procedure was to draw up a world treaty prohibiting what was already prohibited in Article 2, paragraph 4, of the United Nations Charter. It was counterproductive to paraphrase that prohibition, and would probably weaken it.

If the General Assembly wished to improve the effectiveness of the principle, the appropriate procedure would be to consider it together with other principles such as the improvement of the system of collective security, the promotion of the peaceful settlement of disputes and the promotion of respect for human rights and fundamental freedoms. It was disregarded for those principles which underlined the effectiveness of the principle of the non-use of force and created situations which served as a cause or a pretext for the use of force. The refusal to resolve disputes through constructive negotiations or other peaceful means could provide a pretext for the use of force and the weakness of the collective security system impeded a collective response to violations of the principle of the non-use of force.

Mr. BRINT (Sweden), speaking in explanation of vote before the vote, said that his delegation would abstain in the vote because it strongly doubted whether the proposed world treaty was the best way of enhancing the effectiveness of the principle of non-use of force in international relations. The United Nations Charter explicitly prohibited the threat or use of force against the territorial integrity or political independence of other States or in any other manner inconsistent with the purposes of the United Nations, except the right to legitimate self-defense in accordance with Article 51. A new treaty would not strengthen that clear prohibition, but could create problems for the interpretation and understanding of that prohibition. The non-use of force could be strengthened in other ways, especially through a better observance by all States of the provisions of the Charter relating to the non-use of force.

Mr. MAJALAND (Norway), speaking in explanation of vote, said that his delegation believed that the main problem did not consist in the absence of a convention, since the principle of the non-use of force was already embodied in the United Nations Charter. Thus his delegation believed that there was no need for a new treaty and that a new convention could have a harmful impact. First, the mere elaboration of a convention could raise doubts with regard to the legality binding character of the provisions of the Charter and, second, a new convention could give rise to problems of interpretation regarding its contents and scope. Therefore his delegation would vote against the draft resolution.

Mr. WOOLCOTT (Australia), speaking in explanation of vote, said that Australia firmly adhered to the principles of the United Nations Charter and had always condemned the use of force in international relations. It was regrettable that the draft resolution just approved continued to place undue emphasis on the need to draft a new world treaty and that the suggestions of many delegations, including his own delegation, about future work on the subject had not been taken into account. For those reasons his delegation had abstained in the vote.

The meeting rose at 5.30 p.m.