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New York

SUMMARY RECORD OF THE 61st MEETING

Chairman: Mr. GASTLI (Tunisia)

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TRIBUTE TO THE MEMORY OF MR. BERNARDO ZULETA, UNDER-SECRETARY-GENERAL, SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR THE LAW OF THE SEA

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(Mr. Diaconu, Romania)

17. The working paper suggested means by which neighbouring States and other States of the same region could solve problems relating to technical co-operation, development of joint resources, navigation, cultural exchanges, health and even emergencies. Suggestions concerning co-operation in the solution of problems affecting inhabitants of frontier zones and concerning the environment and information were also included.

18. With a view to strengthening and developing good-neighbourliness, States should hold meetings, particularly at the highest level, organize exchanges and visits at all levels, conclude treaties and agreements in all areas, appoint joint commissions, and establish procedures and permanent or ad hoc mechanisms for the peaceful settlement of disputes. Where necessary, neighbouring States and other States of the same region should, as a matter of urgency, take steps to alleviate tension, prevent conflict and normalize relations. They should seek to prevent or stop any military action, restore or strengthen confidence between the States concerned, facilitate the maintenance or resumption of dialogue and promote the peaceful settlement of disputes.

19. International organizations had a part to play in the development and strengthening of good-neighbourliness between States. They should support implementation of economic programmes of interest to neighbouring countries and other countries of the same region, particularly developing countries, and seek to create political and legal conditions conducive to co-operation among countries of the same region.

20. His delegation hoped that the debate on the subject would help to clarify and develop the concept of good-neighbourliness. It hoped that the efforts of the Sixth Committee would result in a document of substance reflecting the agreement of all States on the content of good-neighbourliness, the principles and norms on which it was based, and the ways and means by which States could and should strengthen it. Romania was confident that the draft resolution it would submit on the subject would be adopted by consensus and that the debate in the Sixth Committee would mark an important step towards clarification of the content of good-neighbourliness, the improvement of relations between neighbours and of international relations in general and the promotion of the cause of peace and security for all States.

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/38/599-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/38/358, 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/38/367 and Corr.1, A/38/415, A/38/425, A/38/454; A/C.6/38/L.14)

21. Mr. ROMANOV (Secretary of the Committee) announced that Australia and the Dominican Republic had become sponsors of draft resolution A/C.6/38/L.9 on peaceful settlement of disputes.

22. Mr. BROMS (Finland) said that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization had succeeded in completing the draft Manila Declaration on the Peaceful Settlement of International Disputes at its 1982 session. While it had not produced anything as tangible at its 1983 session, its efforts might not have been entirely wasted. There were parts of its report (A/38/33) which provided acceptable material for an exchange of views and which, therefore, might have at least some value. During the current debate, many constructive comments had been made on the content of the report.

23. He found some consolation in the fact that the Special Committee had seen many difficult moments in the past. Even the renewal of its mandate had been uncertain during the early years of its existence. He saw no reason to fear that it had lost its capacity to work. One had to remember that the problems discussed at the 1983 session included some of the most controversial problems connected with the activities of the United Nations.

24. It was well known that general agreement on proposals regarding the maintenance of international peace and security would be extremely difficult. What the Special Committee needed most at the current stage of its work was an open and frank debate on all those proposals. That seemed to be the only way to end suspicions and mutual accusations. His delegation sincerely wished that the Special Committee would be able to return to a normal exchange of views, even on the most difficult issues. It was the privilege of lawyers to differ, but that should not discourage them in their search for general agreement. Agreement had been possible on many of the proposals included in the lists which had been discussed.

25. The outlook was considerably brighter with regard to peaceful settlement of disputes, a question that was of particular interest to his delegation. Finland therefore looked forward to the discussion, at the Special Committee's next session, of the working paper submitted by Nigeria, the Philippines and Romania entitled "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). That working paper merited thorough consideration by the Special Committee.

26. His delegation agreed that the Secretary-General should be entrusted by the General Assembly with the preparation of a preliminary outline on the possible

(Mr. Broms, Finland)

contents of a handbook on the peaceful settlement of disputes (A/38/33, para. 109). In addition to material related to the activities of the United Nations, the handbook should include material found in bilateral treaties which would shed more light on the various methods adopted in the settlement of disputes. Such material would be most informative.

27. The Governments of Denmark, Finland, Iceland, Norway and Sweden had transmitted to the Secretary-General a report stating their views on the strengthening of the United Nations (A/38/271-S/15830). As indicated in the report, the Nordic countries strongly supported the United Nations and measures aimed at settling international disputes by peaceful means in accordance with the principles of the Charter concerning respect for the territorial integrity and political independence of all States; the Nordic countries would continue to work to strengthen the United Nations as a universal organization for peace; they were in agreement about the need to examine and to discuss with other Member States measures which could strengthen the possibilities of the United Nations to act in conflicts and crises.

28. The report also contained suggestions concerning the role of the Secretary-General, the activation of the Security Council, the role of the General Assembly, United Nations conferences and the specialized agencies, peace-keeping operations, peaceful settlement of disputes, the International Court of Justice, and other activities of the United Nations. The report ended with conclusions on possible measures to strengthen the United Nations. Finland hoped that those proposals and conclusions would be taken into account in the relevant discussions.

29. On the question of rationalization of existing procedures of the United Nations, paragraph 21 of the Special Committee's report (A/38/33) contained a list of 31 proposals related to the General Assembly. A reading of the views of members of the Special Committee recorded in that paragraph showed how difficult it was to secure general agreement on any proposal. However, many proposals had received wide support among members and many comments on specific proposals had been made during the current debate. Such comments were most welcome because they would probably influence the views of members of the Special Committee.

30. The Special Committee had not had time to complete its consideration of the draft list before it. He hoped that work on the rationalization question could be finalized at its next session, and that it would invite a senior official of the United Nations to give his views on that question at the beginning of the debate. That had been done at the 1979 session, when the Under-Secretary-General for Political and General Assembly Affairs had made an important statement that had greatly aided the Special Committee in its negotiations. The proposals on the rationalization of existing procedures were not ill-conceived and the existing procedures were not near-perfect. His delegation therefore hoped that the Special Committee would be able to reach general agreement on many of those proposals.

31. The Minister for Foreign Affairs of the Philippines had rightly described the United Nations as a point of potential unification of the human race and the only

(Mr. Broms, Finland)

possibility for its peaceful future. Instead of despairing about the work of the Special Committee, it was essential to make a concerted effort to enable it to function effectively and find solutions that would contribute to the strengthening of the role of the United Nations.

32. Mr. ENKHSAIKHAN (Mongolia) said that, in general, the Special Committee had failed to make progress at its 1983 session. The disappointment of many delegations might be explained by unrealistically high expectations of the session, following the finalization of the Manila Declaration, but the main reason for the lack of progress had been the attempt by some States to concentrate the Special Committee's work on highly controversial proposals which did not meet the requirements of General Assembly resolution 37/114, especially paragraphs 3 and 6. The outcome of the session might have been more encouraging if the Special Committee had concentrated on issues that would not require a revision of the Charter. Any attempt to impose a revision of the Charter, especially the provisions concerning the rule of unanimity, could only weaken the United Nations. As the most important document in international law, the Charter had proved itself to be sufficiently flexible to accommodate the changes that had taken place since its adoption and still had a vast, untapped potential which could serve the cause of strengthening international peace and security. The constructive approach of the many delegations that had pointed out possible ways and means of strengthening the current Charter régime, and, thus, international peace and security in general, could yield practical results.

33. The reasons for the failure of the United Nations lay in the conduct of those Member States, including some permanent members of the Security Council, which grossly violated the provisions of the Charter in pursuance of their narrow, selfish interests, and those States which enjoyed the explicit or implicit support of a permanent member of the Security Council and openly defied the decisions of the United Nations, including those of the Council. The success of the United Nations depended primarily on the political will of its Members and the strict observance of the provisions of the Charter as well as documents and decisions adopted in conformity with and on the basis of the Charter would have brought a just solution to many an international problem.

34. Cases of the use of the veto against the majority of the States Members of the United Nations and in contravention of the provisions of the Charter occurred not because the right of veto itself ran counter to the will of the majority of Member States, but because certain permanent members of the Security Council abused that prerogative in their own selfish interest or in that of their closest and "strategic" allies. Therefore, criticism should be directed not at the Charter, but at those permanent members of the Council that were violating their Charter obligations. The delicate mechanism of the Security Council should not be altered. The principle of unanimity was of vital importance for the attainment of the goals of the Organization, being a reliable guarantee against any attempt to use the Council for purposes detrimental to the basic aims of the Charter and the cause of strengthening international peace and security. The principle of unanimity embodied the realities of the modern world - the equality of the two different social systems.

(Mr. Enkhsaikhan, Mongolia)

35. His delegation was satisfied with the Special Committee's work on the peaceful settlement of disputes. The preparation of a handbook on the subject could be of practical use to Member States in settling disputes. As far as the proposal to establish a permanent commission on good offices, mediation and conciliation was concerned, his delegation could not support any proposal that would de facto alter the delicate balance of power between the main organs of the United Nations. Moreover, it would be unnecessary and even counter-productive to establish new bodies within the United Nations without first making fuller use of the existing machinery as provided in Articles 28 and 29 and Chapters VI and VII of the Charter.

TRIBUTE TO THE MEMORY OF MR. BERNARDO ZULETA, UNDER-SECRETARY-GENERAL, SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR THE LAW OF THE SEA

36. The CHAIRMAN said he regretted to have to inform the Sixth Committee that Mr. Bernardo Zuleta, had passed away. Possessed of a fine legal mind and sound political judgement, Mr. Zuleta had made an outstanding contribution to the development of the law of the sea.

37. On behalf of the Committee, he offered sincere condolences to Mr. Zuleta's family, to the Government of Colombia, to the people of Latin America and to the Secretary-General of the United Nations.

38. On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Mr. Bernardo Zuleta, Under-Secretary-General, Special Representative of the Secretary-General for the Law of the Sea.

39. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel) said that he appreciated the Committee's expression of condolence, which he would transmit to the Secretary-General.

40. Mr. ZEDAN (Saudi Arabia), Rapporteur, speaking on behalf of the Group of Arab States, Mr. BROMS (Finland), speaking on behalf of the Group of Western European and other States, Mr. ARTAN (Somalia), speaking on behalf of the Group of African States, Mr. KNIPPING-VICTORIA (Dominican Republic), speaking on behalf of the Group of Latin American States, Mr. MEISSNER (German Democratic Republic), speaking on behalf of the Group of Eastern European of States, and Mr. ROSENNE (Israel) paid tribute to the memory of Mr. Zuleta.

41. Mr. GOMEZ (Colombia) said that he deeply appreciated the tribute and would convey to Mr. Zuleta's family and to the people and Government of Colombia the Committee's expression of sympathy.

The meeting rose at 12.50 p.m.