SUMMARY RECORD OF THE 62nd MEETING

Chairman: Mr. CASTLI (Tunisia)

CONTENTS

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

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)
The meeting was called to order at 3:20 p.m.


1. Mr. BERNAL (Mexico) said that his delegation was pleased to note the continued interest in the item peaceful settlement of international disputes despite the adoption of the Manila Declaration. That interest reflected collective concern about an undeniable reality, namely, the proliferation of quarrels which were not always resolved by peaceful means.

2. Efforts had been made during the current session to enhance the effectiveness of the principle of non-use of force in international relations and efforts to work out alternatives to the use of force were continuing. That fell within the framework of positive action which could be covered by the concept of preventive diplomacy referred to by the Secretary-General. Therein lay the merits of the approach taken in the working paper submitted by the delegations of 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".

3. With regard to enhancing the effectiveness of the principle of non-use of force in international relations, he had already pointed out that the elaboration of a treaty should be carried out on the basis of the existing rules of the Charter without attempting to rework them thus avoiding the danger of calling their validity into question. The working paper did precisely that and his delegation viewed it favourably considering it an important step in the right direction.

4. Such initiatives simply reflected activities which Mexico had undertaken in the region, as in the case of the Central American States for whom Mexico had sought to provide political solutions and fora for diplomatic negotiations so that they might resolve their differences peacefully. The extension of such efforts to other regions and under the auspices of the United Nations was to be welcomed. The idea of offering States recourse prior to those provided in the Charter, without affecting the competence of the Security Council and of the General Assembly, clearly demonstrated what could be achieved by means of genuine multilateral preventive diplomacy.

5. In studying the working paper submitted by the delegations of Nigeria, the Philippines and Romania, a more general approach to peaceful methods and means should be adopted in line with the Manila Declaration, and each method or means should be given its due place, including "negotiation" and "investigation" which should not be mentioned in the document.

6. The report of the Special Committee on the United Nations Charter and on the Strengthening of the Role of the Organization (A/38/33) could only be viewed with the responsiblity of those States which were standing in the way of the completion of the tasks assigned to the Special Committee. It was sad to see that it was precisely those States which were most critical of the effectiveness of the United Nations which raised the most difficulties for the organ which had been established specifically to strengthen the implementation of the purposes of the Organization. He appealed to those States to use the Special Committee to strengthen the role of the United Nations rather than to turn it into a forum for rerimination and sterile debate.

7. There were many areas of the Special Committee's agenda where general conclusions could be achieved. For example, the Secretary-General could be requested to draw up a handbook on the peaceful settlement of disputes covering all available means. If a specific resolution of the Special Committee's mandate could be achieved at the current session, the Committee might be able to make substantial progress in its work.

8. Mrs. VALDIVES (Cuba) reiterated her delegation's view concerning the need to strengthen the Organization since it was no secret that the United Nations had not carried out its role fully and had not been effective in implementing its fundamental purpose, namely the preservation of peace and security for mankind. Despite the existence of the United Nations, world turmoil was increasing and regional conflicts were turning all areas of the world into new sources of international tension. Imperialist aggression against the progressive countries of southern Africa and the Middle East continued without interruption and Europe was going through anxious moments owing to the deployment of the medium-range nuclear missiles.

9. In Latin America the United Nations had been unable to prevent the harassment of Cuba for over 20 years and the economic and other kinds of aggression despite the denunciations voiced in the United Nations and other fora. The natural liberation movements were being hounded and in some cases, since they could not be destroyed, defenseless civilians were being killed. In Nicaragua, after a popular uprising against the dictatorship which had cost 40,000 patriots their lives, a further 1,000 people had died as a result of the aggression financed by the United States Government from Honduran territory and the United States had invaded the island of Grenada in open violation of the principles of the Charter and of international law.
10. Her delegation did not believe that the ineffectiveness of the Organization was due to the Charter for the latter had been drawn up carefully and provided sufficient mechanisms for maintaining world peace. The Security Council had a specific responsibility for maintaining international peace and security and it had powers - which were clearly outlined in the Charter - for taking the necessary steps in that connection.

11. The serious problems facing the international community stemmed from the lack of political commitment on the part of some States whose actions violated the basic principles of the Charter. The resolutions and consensus declarations adopted by the General Assembly, if implemented, could solve some of the problems.

12. Turning to the work of the Special Committee on the United Nations Charter and on the Strengthening of the Role of the Organization, she said that, at its thirty-seventh session, the General Assembly had adopted a valuable document, the Manila Declaration on the Peaceful Settlement of International Disputes, based on the principles and purposes of the United Nations as contained in the Charter. When the Special Committee devoted its efforts to drafting that type of instrument it was really useful, and it could be equally useful if, during future sessions, it were to devote part of its time to singling out those proposals which were likely to win general approval. Nevertheless, it was necessary to proceed cautiously before seeking new procedures for introducing additional permanent mechanisms for it might raise more problems than already existed and lead to duplication of efforts and that, in turn, would delay solutions.

13. The Sixth Committee was analysing, inter alia, a draft code of offences against the peace and security of mankind and there was a Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations. Those were valid efforts for the maintenance of peace but in order for those instruments to be useful and for the United Nations to be able to play its role fully it was essential that States should implement the possibilities offered by the Charter for solving the ills afflicting the international community.

14. Her delegation fully agreed with those who believed that maintenance of international peace and security could be achieved through strict implementation of the provisions of the Charter. A mechanism existed and it was a good one, but so long as there was no political will all efforts would be vain. What was needed was for the countries which had not yet done so to realise that close co-operation was needed among all Member States in order to deal with the serious crisis through which the international community was currently passing.

15. Mr. SINGH (India) expressed condolences on behalf of his delegation on the death of Mr. Fernando de la Reta, Under-Secretary-General and Special Representative of the Secretary-General for the Law of the Sea.

16. The discussion which had taken place in the Special Committee and in the Sixth Committee had revealed the usefulness of the various proposals in the area of the maintenance of international peace and security, peaceful settlement of disputes and rationalization of procedures of the United Nations in the promotion of the objectives of the Organization, but, with the exception of the Manila Declaration, it had not been possible so far to crystallize specific outcomes and recommendations.

17. The work of the Special Committee currently under review did not differ in many respects from that of previous years. It had become almost customary for the Committee to lose precious initial time in organizing its work; even after agreeing on a programme of work the Committee was rarely able to move forward on specific proposals because of inherent policy and procedural differences that existed among its members. The differences in approach were so deep-rooted at times as to give rise to the suspicion that it might never be possible for the Committee to make positive recommendations, particularly on matters relating to the maintenance of international peace and security.

18. There was a persistent conflict between the ways in which members of the Committee perceived the roles of the General Assembly and the Security Council in that field. Were one group believed that, under the Charter, the General Assembly had both moral and legislative authority to pronounce and make recommendations on all matters, including the maintenance of international peace and security, another group felt that only the Security Council had special and exclusive responsibility in that field.

19. It would be unwise and unwarranted to draw any categorical distinction between the relative roles of the General Assembly and the Security Council under the Charter scheme. Even though the Charter was quite specific about the roles of its different organs, it conceived the United Nations as an integral and organic whole. The different organs of the United Nations were meant to work in the cause of the promotion of the international peace and security of mankind. Therefore any approach which set one organ of the United Nations against another, as if they were in some way opposed to one another, would be wrong. However, the responsibility of the different organs of the United Nations must be encouraged, as that was the only way of contributing to the strengthening and effectiveness of the United Nations work.

20. In that connection, he reiterated his conviction that the scheme of the Charter was basically sound and reflected contemporary realities of the world community and that quiet correction of any imbalance that might have arisen in the practice of the United Nations was preferable to embarking upon outright amendments to the Charter. As the Secretary-General had noted, the inability of the United Nations to achieve its basic objectives was due to lack of political will among States, particularly among the more powerful and wealthier nations of the world, to international peace and security and its work in such other areas as human rights, abolition of apartheid, social and economic development and disarmament, particularly nuclear disarmament.
21. Turning to the other aspects of the mandate of the Special Committee, he was happy to state that progress had been made on the various proposals on the rationalization of procedures of the United Nations. The Committee continued to make progress on the question of peaceful settlement of disputes, as evidenced by the agreement on the proposal regarding preparation of a handbook on peaceful settlement procedures.

22. The Special Committee could succeed only if it had a clear mandate with well-defined guidelines for the priorities of its work. There must be basic and general agreement among all members of the Committee on the type of proposals that could be singled out for early clearance, while discussion continued on the others. His delegation believed that certain proposals relating to the maintenance of international peace and security, such as the role of preventive measures, including the role of the Secretary-General and the fact-finding missions, were likely to yield quick results.

23. Mr. KUODA (Japan) paid tribute to the memory of Mr. Bernardo Sulte, Under-Secretary-General and Special Representative of the Secretary-General for the Law of the Sea.

24. In his first annual report on the work of the Organization, the Secretary-General had warned the international community of the critical situation confronting it and had stressed the urgent need to strengthen the role of the United Nations. In his latest report, the Secretary-General had again focused on the urgent necessity to develop international institutions capable of encompassing the harsh realities of the present time and had concluded that despite the interest displayed in his last annual report and the will of the members of the Security Council to enhance the performance of that organ, the developments of the past year had been far from encouraging. At its thirty-seventh session, the General Assembly had unanimously acclaimed the Secretary-General’s annual report and, in resolution 37/39, had delegated the Secretary-General, who had co-sponsored, had affirmed its conviction that there was an urgent and imperative need for strengthening the role of the United Nations in the maintenance of international peace and security. Likewise, the Security Council had recognized the need to examine suggestions on possible ways and means to enhance its effectiveness. But despite the efforts made in those organs and in the Special Committee, there had been a discouraging lack of progress during the past year. In particular, the results of the Security Council’s informal discussions as reported in the note by its President (document S/15971), had fallen far short of expectations.

25. World tension continued unabated. Confrontations and instances of the use of force between States had increased, and mutual distrust among the members of the international community seemed to be growing. If that trend continued, the possibility of a world war which would threaten the very existence of the human race could not be excluded. In his recent statement before the Sixth Committee, the Minister for Foreign Affairs of the Philippines, General Romulo, had urged that the Organization should be strengthened and had expressed regret that the determination to pursue the aims of the United Nations was not matched by the desire to build institutions of peace.

26. The Special Committee was a major forum for the discussion of appropriate ways of building such institutions of peace. His Government had co-operated with the Special Committee to its establishment and had submitted a series of proposals aimed at enhancing the effectiveness of the United Nations. Those proposals included measures to strengthen peace-keeping operations, enhance the fact-finding capacity of various organs, increase reliance on the International Court of Justice, review the composition of the Security Council, co-ordinate further and strengthen activities in the economic and social fields and delete from the Charter those clauses which referred to countries which had been the enemy in the second World War.

27. His delegation regretted that the results of the most recent session of the Special Committee had been unsatisfactory. During the debate in that Committee, certain Member States had accused others of failing to demonstrate a collective attitude. Of course, no progress could result from such acrimonious debate.

28. The traditional pattern of the Special Committee’s mandate must be fundamentally changed. The process of listing proposals, particularly those regarding the maintenance of international peace and security, had produced little more than a repetition of abstract arguments. It was essential that the effort should be focused on specific areas and that concrete recommendations with respect to those areas should be formulated. It was worthy of note that both those delegations which had assessed positively the work of the most recent session of the Special Committee and those which had made a negative assessment had expressed the view that the Special Committee should try to find specific areas in which real progress could be made. That approach was not entirely new: the Special Committee had already spent three sessions considering a draft recommendation on the strengthening of the functions of the Security Council. However, because of the presence of certain political elements, including the limitation of the rule of unanimity, and the negative position adopted by certain permanent members of the Security Council, that exercise had not yielded any significant results.

29. It was therefore important that a new area should be found which would be acceptable as a focus of discussion to as many Member States as possible, in which practical measures would be relatively easy to implement, and which would have a direct bearing on the question of the maintenance of international peace and security. As the representative of the Federal Republic of Germany had observed during the current debate, one of the most appropriate areas was the promotion of international conflicts. In his annual report of the previous year the Secretary-General, noting the efforts which his predecessors had made to identify problems likely to result in conflict in order to prevent them by means of quiet diplomacy, wondered whether the time had not come to adopt a more systematic approach.

30. The Security Council might also consider the utilization of United Nations mechanisms for the adoption of preventive measures. As the Secretary-General had pointed out in his most recent annual report, the primary objective of the Security Council, aside from conflict control, should be to develop an effective common
approach to potential threats to peace and security. The Secretary-General had also stated that the Council must be used primarily to prevent armed conflict and to find solutions.

31. His delegation hoped that during the current year the General Assembly would unanimously adopt new terms of reference for the Special Committee's work on the maintenance of international peace and security which would reflect the need to focus the Committee's efforts on specific areas. At its most recent session, the Special Committee had decided to begin work on a handbook on the peaceful settlement of disputes. In his delegation's view, that decision represented the sole concrete accomplishment of that session, and it hoped that the Special Committee would rely on the resources of the Secretariat in order to complete its work on the handbook.

32. During the Special Committee's most recent session, the delegations of the Philippines and Romania had submitted an oral proposal on the establishment of a permanent commission of the United Nations on good offices, mediation and conciliation. Subsequently the two delegations, together with Nigeria, had formally distributed a working paper containing the proposal. His own delegation was not a signatory to the proposal and hoped that Member States would consider it carefully and that during the next session of the Special Committee a constructive exchange of views would take place.

33. During the most recent session of the Special Committee a useful discussion had been held on the rationalization of existing procedures of the United Nations. The current phase of the Special Committee's work on that topic could be completed in a relatively short time, and his delegation hoped that relevant recommendations could be submitted to the General Assembly at its thirty-ninth session.

34. Mr. FEHMY (Egypt) paid tribute to the memory of Mr. Bernardo Zuleta, Under-Secretary-General and Special Representative of the Secretary-General for the Law of the Sea.

35. The Special Committee's first accomplishment had been the elaboration of the Manila Declaration on the Peaceful Settlement of International Disputes, approved without a vote by the General Assembly at its thirty-seventh session in resolution 33/10 of 15 November 1978. Additional proposals continued to be submitted for consideration by the Special Committee, as could be seen from section IV of its report (document A/38/33).

36. At the most recent session of the Special Committee, the representatives of Romania and the Philippines had submitted an oral proposal on the establishment of a permanent commission of the United Nations for good offices, mediation and conciliation (A/38/33, para. 98). The proposal had recently been formalized in document A/38/143. The peaceful settlement of disputes was an important element in the strengthening of the role of the Organization. The membership of the permanent commission, which, in accordance with the proposal, would comprise all States Members of the United Nations, thus constituting a replica of the General Assembly, must be studied further. His delegation, which had always favoured the

strengthening of the role of the General Assembly did not think that would be a satisfactory arrangement.

37. It could be deduced from document A/38/343 that the proposed commission would be an organ of the General Assembly, since it would be established by that body, and that the General Assembly would not be explicitly authorized, as the Security Council was, to exercise its functions under the Charter while the commission was considering the peaceful settlement of a dispute. Moreover, the permanent commission would be an organ of the General Assembly and the Security Council, but at the same time would not be an organ of either body, since it would be an autonomous organ providing services to the General Assembly and the Security Council. The sponsors of the proposal should be asked to clarify the legal status of the permanent commission.

38. According to paragraph 5 of section II of document A/38/343, the commission could be seized of a dispute or international situation at the request of any State party to a dispute or of a State affected by the respective situation, or pursuant to a decision of the Security Council or the General Assembly or at the recommendation of the Secretary-General. With regard to that proposal, his delegation observed that lack of agreement on the part of all parties to the dispute would complicate the commission's task, since the absence of agreement on the part of one party would render the attempt at conciliation useless. His delegation had difficultly in accepting the notion that the initiative for submitting a dispute to the permanent commission must be taken by States, since it was well known that some parties to disputes, though not States, were entitled to recognize by most members of the international community. In that context, he noted that paragraphs 7 and 12 of the Manila Declaration on the Peaceful Settlement of International Disputes referred to the parties to a dispute, without indicating that those parties had to be States.

39. Paragraphs 107 to 112 of the report showed the results of the work done pursuant to paragraph 3 of General Assembly resolution 37/114. The Special Committee had agreed that the General Assembly should entrust to the Secretary-General 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, taking into consideration the proposal contained in paragraph 309 of the report submitted by the Special Committee to the Assembly at its thirty-sixth session as well as the views expressed in the Special Committee, and should transmit it to the Special Committee at its next session. His delegation supported that recommendation and hoped that the Secretary-General would take into account the observations referred to in paragraph 110 of the report.

40. Mr. MINULUKA (Czechoslovakia) said that the Special Committee's report bore witness to the Member States' conviction that the United Nations was irreplaceable in the role it played in current international relations; every effort should be made, therefore, to enhance the Organization's effectiveness so as to enable it to attain the objectives set forth by its founders. Unfortunately, the report
revealed the existence of serious differences of opinion among Member States about suitable means to enable the United Nations to carry out its task. In trying to identify those means, it was essential to analyze the reasons why the United Nations lacked effectiveness and to consider calmly, on the basis of that analysis, what mechanisms would help to improve the situation.

41. A number of proposals drawn up by Member States had been presented to the Special Committee at its previous session. Section II of the Special Committee's report (A/38/33) referred to the rationalization of existing procedures of the United Nations. Some of the proposals, such as those contained in paragraphs 12, 17, 19, 21, 23 and 24 in that section, offered sound basis for discussion. Some of those relating to the rationalization of procedures were aimed at enabling the agenda to be examined more efficiently so as to avoid overloading it and wasting the Organization's resources.

42. With regard to the maintenance of international peace and security, referred to in section III of the report, none of the proposals for the introduction of alterations in the voting and decision-taking procedures, particularly in the Security Council, could lead to any improvement of the situation. On the contrary, such proposals were a threat to the smooth functioning of the United Nations. As his delegation had already pointed out, a decisive factor in enhancing the United Nations effectiveness was the existence of the requisite political will on the part of the Member States.

43. His delegation drew attention to the appeal contained in the political declaration adopted on 5 January 1983 by the Political Consultative Committee of States Parties to the Warsaw Treaty, aimed at strengthening the role of the United Nations and its collective security system; the appeal had been made to the NATO Member States in connection with the proposal on the conclusion of a treaty on the non-use of military force and the maintenance of peaceful relations. The appeal represented an effort by the socialist States to create a climate in which the collective security system could function effectively.

44. Unfortunately, the revised draft submitted by Egypt on behalf of the non-aligned countries included the idea that the scope of application of the rule of unanimity in the Security Council - must be restricted - an idea which would tend to undermine the United Nations effectiveness and even to call into question the very existence of the Organization.

45. The French delegation's proposal relating to the possible convening of emergency special sessions of the General Assembly should be carefully studied. The Special Committee should look into the political and procedural aspects of that proposal.

46. With regard to the peaceful settlement of disputes, the Special Committee should also examine those proposals on which there was a likelihood of agreement being reached, such as the one relating to preparation of a handbook comprising all existing United Nations mechanisms for the settlement of disputes. On the other hand, the idea of establishing a permanent commission on good offices, mediation and conciliation for the settlement of disputes was unacceptable because the establishment of such a commission would give rise to problems as discussions had revealed, the commission would be a subsidiary body of the General Assembly and the Security Council alike and its powers would exceed even those of the Security Council - a situation that would lead to an imbalance in the system of distribution of authority and powers established by the Charter. Moreover, the proposal was at variance with the principle recognized in the Charter, of free choice of means for the settlement of disputes - a principle endorsed in the Manila Declaration on the Peaceful Settlement of International Disputes, approved by the General Assembly at its thirty-seventh session.

47. The Special Committee's current mandate should be maintained. If its future work was to be fruitful, the consensus rule must be upheld so as to ensure that the results achieved would be acceptable to all groups of States - an essential consideration in matters relating to the principal organs of the United Nations.

48. Mr. SWITKINSKI (Belgium) expressed his condolences on the death of Mr. Bernardo Zuleta, Under-Secretary-General and Special Representative of the Secretary-General for the Law of the Sea.

49. There was little room for complacency about the outcome of the eighth session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The only progress made had been the proposal that the General Assembly should entrust the Secretary-General with the preparation of a preliminary outline on the possible contents of a handbook on the pacific settlement of disputes. Belgium supported the decision, which it hoped would be endorsed by the General Assembly. However, discussions on the rationalization of the United Nations existing procedures had been conducted in a constructive atmosphere, and specific results could have been achieved had the Committee devoted more time to that part of its mandate. Progress could even have been made in the examination of the list of proposals on the maintenance of peace and security had the initiative of holding informal consultations been taken earlier.

50. Belgium was ready to study any acceptable proposal aimed at strengthening the Organization's role. Likewise, it was in favour of improving and enhancing the mechanisms established by the Charter, but felt that great care must be exercised in considering possible ways of achieving that purpose. The Special Committee could make great strides if all its members showed flexibility and imagination and sought to promote a dialogue. It was noteworthy that, despite the existing differences of opinion, the Committee had approved by consensus the Manila Declaration on the Peaceful Settlement of International Disputes. The balance established in the Charter between the functions and principal organs of the United Nations was a delicate one and could not be altered without risk to the Organization. One of the factors underlying the progress made by the Committee had been its adherence to the rule of consensus, which it was essential to maintain.
51. With regard to the Special Committee's mandate for its next session, Belgium favours a realistic and specific agenda, but felt that care should be taken to avoid going to the extreme of limiting discussion to items which, although specific, were isolated or out of context and on which there was no chance of reaching general agreement. It was ready to support any efforts to create the requisite conditions to make the next session as fruitful as possible and to avoid the further frustration of the sort experienced in 1983. It suggested in that regard that the Special Committee should give thought to the sphere of preventive diplomacy, whose importance had been mentioned by the Belgian Minister for Foreign Affairs in a statement to the General Assembly during the current session.

52. Lastly, Belgium shared the view voiced by Nigeria, the Philippines and Romania that States should show less reluctance to seek peaceful settlement of disputes. The proposal to establish a permanent commission on good offices, mediation and conciliation should be considered thoroughly.

53. Mr. TUREK (Austria) expressed his condolences on the death of Mr. Bernardo Soutela, Under-Secretary-General and Special Representative of the Secretary-General for the Law of the Sea.

54. He had been deeply moved by the statement made a few days before by one of the founding fathers of the United Nations, the Minister for Foreign Affairs of the Philippines, General Romulo be considered that the United Nations must constitute the central instrument for the maintenance of international peace and security and for international co-operation, notwithstanding its well-known shortcomings. What was true of the United Nations held equally true for other international organizations, including regional organizations, since none of them had truly proved to be in a position to contribute effectively to the resolution of conflicts between its member States. That situation arose because States lacked the political will to use those organizations as instruments of peace and to submit their international interests to the interests of the international community as a whole. Apparently, some States Members of the United Nations did not believe they had to respect the principles of the Charter at all times. In a discussion on the strengthening of the role of the United Nations, the foremost aim should be to strive for a change of attitude on the part of its Member States. Although his country was not a member of the Special Committee, it had been following that Committee's work with the utmost interest ever since its inception and, while it recognized the efforts made by the Chairman and the other officers, it was disappointed that the Special Committee had been unable to fulfill the mandate entrusted to it by General Assembly resolution 37/114, even though it expected that the Special Committee's deliberations would yield positive results in the not too distant future.

55. The meagre results of the Special Committee's work should not be obscured by the fact that it had been able to finalize the Manila Declaration on the Peaceful Settlement of International Disputes. Although the Declaration would have to stand the test of political realities, his country was particularly satisfied with its provisions aimed at enhancing the role of the International Court of Justice.
Committees. Furthermore, it did not seem necessary to consider every item year after year, particularly when there were no real new developments in the field concerned.

60. The Sixth Committee should be consulted more extensively on the legal aspects of questions under consideration by other Committees. However, that would require a halt to the overloading of the Sixth Committee's agenda. The proposal to merge the Special Political Committee and the Fourth Committee was a worthwhile effort to streamline the General Assembly's work. As a first step, those Committees could meet successively.

61. Mr. ADENIYI (Nigeria) expressed his condolences on the death of the Under-Secretary-General and Special Representative of the Secretary-General for the Law of the Sea, Mr. Bernardo Suárez.

62. His delegation had listened with great attention to the fine statement made by Mr. Nabil El-Araby on the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and to the statement of the Minister for Foreign Affairs of the Philippines, General Carlos Romulo, and to the statements of the previous speakers. Judging from all the statements made, there was no gainsaying that the work of the Special Committee had been bedevilled by dogma and myopia. His country, which was a member of the Special Committee, still had faith in that Committee's work, despite its disappointing performance. The failure of the Special Committee should be regarded as the failure of the Committee as a whole, and blame should not be placed on a specific State or group of States.

63. The Special Committee had failed roundly to come to grips with the mandate entrusted to it. Following its resounding success in 1982, when the Manila Declaration on the Peaceful Settlement of International Disputes had been adopted, it could have been expected to maintain that kind of momentum. The question of the rationalization of existing United Nations procedures was likewise important. A majority of delegations, including his own, had made determined and constructive efforts with regard to those aspects of the Special Committee's mandate, but unfortunately they had been thwarted by the attitude of a minority element.

64. With respect to the maintenance of international peace and security, in 1982 the non-aligned members of the Special Committee had made concessions by offering to revise the draft they had presented, in order to satisfy those who had objected to it. Notwithstanding the revised draft recommendation presented by Egypt on behalf of the non-aligned members, which was reproduced in paragraph 24 of the report, even though most reasonable and intended only to strengthen the principal organ which was constitutionally vested with the primary responsibility for the maintenance of international peace and security, had met with stonewall opposition. Those who opposed the document had failed to give convincing reasons to justify their position, apart from the general view that the recommendation would not strengthen the role of the Organization but would produce the opposite effect. Unless there was a constructive change of approach, the work of the Special Committee would continue to be illusionary. His country could not subscribe to the extreme positions that had been expressed on that issue, such as the view that the right of veto was an insurmountable fact of life which had contributed to the proliferation of international peace and security. It was his position that such an attitude was completely out of tune with the purposes for which the Special Committee had been set up.

65. On the other hand, his delegation completely shared the view of the Chairman of the Special Committee that paragraph 5 (a) of General Assembly resolution 37/114 gave the Special Committee a clear mandate. Consequently, it did not agree with those who insisted that the Special Committee should devote its attention to listing proposals which had already been considered. In that context, it favoured the French proposals contained in documents A/AC.182/L.25 and A/AC.182/MG.51.

66. As the report showed, the same intransigence had prevailed during the consideration of the peaceful settlement of disputes, although general support had at least been expressed for the proposal concerning the elaboration of a handbook describing all the existing means and mechanisms available within the United Nations system for the peaceful settlement of disputes between States, as well as that concerning the elaboration of a study, based on a questionnaire addressed to States, on the reasons why States did not make more frequent use of the machinery to settle their disputes. His delegation, together with those of the Philippines and Romania, had submitted 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, which had been circulated as document A/38/343. The sponsors considered it important and desirable that the United Nations should give serious consideration to the creation of such machinery, since a similar body existed in OAEC. The sponsors were very much aware of the relevant provisions of the Charter relating to the peaceful settlement of disputes, which could not be interpreted arbitrarily. They did not intend to duplicate or complicate any procedure. The truth was that the procedure put forward did not currently exist in the United Nations and its objectives fell into the category of preventive diplomacy. His delegation therefore urged the Special Committee to give careful consideration to the proposal at its next session and urged Member States to study the proposal and make comments and observations on it.

67. With regard to the rationalization of existing procedures of the United Nations, his delegation had once again noted the divergence of views among the members of the Special Committee during the consideration of the draft list prepared by the Philippines and Romania. Despite the lack of political will that had characterized the performance of the Special Committee there had at least been some positive indications that some of the proposals could command general agreement.

68. The difficult world situation had been duly reflected in the report of the Secretary-General on the work of the Organization. While precarious opportunities for correcting the institutional weaknesses of the Organization were being lost, there was a progressive deterioration in all spheres and poverty and hunger were
constantly increasing. Rich nations were spending more and more on armaments, rather than using their resources to try to correct the current situation in the name of solidarity with less well-endowed peoples. Some countries completely disregarded the United Nations and the rule of law which it represented was the case of South Africa which, despite the condemnation of international public opinion, continued to introduce retrogressive constitutional changes in its odious apartheid system. So long as the international community looked on calmly and pretended that the current Charter machinery would continue adequately to serve security and other needs, the work of the Special Committee might never be realized.

69. Mr. LOULICHILI (Morocco) expressed his condolences at the death of Mr. Bernardo Suñeta, Under-Secretary-General and Special Representative of the Secretary-General for the Law of the Sea.

70. As they had done before, in connection with the work of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations and the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, most of the members of the Sixth Committee had expressed the same degree of dissatisfaction and frustration at the lack of tangible progress in the fulfilment of the mandate entrusted to the Special Committee on the Charter of the United Nations and on the strengthening of the role of the Organization. That general disappointment and frustration was even more pertinent in the case of the results of the work of the Special Committee on the Charter which, so far, was the only available organ for collective reflection and joint action to strengthen the role of the United Nations. Although it was understandable that different opinions should exist on the choice of means for strengthening the role of the Organization, it was regrettable that the procedures which had proved effective in other international organs should be used in the Special Committee to slow up the progress of its work. After the adoption of the Manila Declaration on the Peaceful Settlement of International Disputes and the favourable acceptance, both in the General Assembly and in the Security Council, of the Secretary-General’s conclusions and suggestions set forth in his 1962 report on the work of the Organization, there had been justified hopes that the Special Committee on the Charter would finally tackle the most essential aspect of its mandate, the maintenance of international peace and security. However, instead of fulfilling that hope, the latest session of the Special Committee had been disappointing from various points of view, despite the praiseworthy and dedicated efforts of its Chairman, Mr. Nabil El-Araby, and the other officers.

71. His delegation thought that the General Assembly should clarify the term of reference of the Special Committee, specifying the priority area on which it should concentrate its efforts during the next session.

72. For the consideration of the rationalization of existing procedures of the United Nations, 11 proposals had been submitted to the Special Committee, only 4 of which had been considered generally acceptable. Although those proposals did not cover all the aspects of the rationalization, it would be desirable to put them into final form and submit them to the General Assembly for approval at its next session, leaving each body the necessary latitude to adjust its working methods progressively, on the basis of its own experience and that of other organs. With respect to the Sixth Committee, the increasing number of items included in its agenda and overlapping of meetings of the working groups should prompt Member States to reflect and stimulate their imagination so that the rationalization would be realized in practical ways.

73. With regard to the peaceful settlement of disputes, the Special Committee had studied France’s proposal for the elaboration of a handbook describing existing settlement procedures, as well as the idea of a commission on good offices, mediation and conciliation, submitted jointly by the Philippines and Romania. The idea of elaborating a handbook on the peaceful settlement of disputes had received general support, but it would be desirable for it to include the machinery existing in the various international organizations. As to the possible establishment of a commission on mediation and conciliation, the Special Committee on the Charter should study that question carefully, in order to give the new organs a suitable place in the existing hierarchy of United Nations organs, and consider the effects which its activity would have on the attributions of the General Assembly and the Security Council, and in relation to the principle that States should freely choose the means of settling their disputes.

74. The debate on the question of the maintenance of international peace and security had centred on the draft recommendation of the non-aligned countries (A/AC.102/L.2/Rev.1). Paragraph 2 of the draft recommendation dealt with a traditional and ever-present problem, the restriction of the exercise of the veto in the Security Council, which, since the creation of the United Nations, had been the principal instrument of change. However, the evolution of international relations had effected a subtle change in the meaning of the unanimity rule, and the requirement of the affirmative vote of the five permanent members, intended initially as a means of opposition and an expression of disapproval, had sometimes constituted a means for containing some conflicts and, in the final resort, had prevented the worst. Changing a procedure was not enough to reconcile divergent interests or to change the distribution of forces, and the will to co-operate could sometimes resolve far more problems at the international level than an arbitrary majority rule. What was required was the adoption of a common approach that was effective in the face of threats to international peace and security.

75. At a time when international crises were multiplying and the scenarios of the third world war being coldly contemplated, the inability of United Nations institutions to respond to and influence international realities was evident. That situation could not be rectified solely through a revision of text or the improvement of procedure but only by a renewal and revival of the community spirit. Today more than ever, it was necessary to renew adhesion to the principles of the Charter and to orient action towards the strengthening of the organs of the United Nations, which, in spite of its deficiencies, continued to be the most appropriate forum for the achievement of international peace, the supreme political goal.
76. In order to mark the thirty-eighth anniversary of the United Nations, the Government of Morocco had reaffirmed its feelings of responsibility to the Organization and had renewed its support for the purposes and principles of the Charter and had also launched an appeal for the strengthening of peaceful means for the treatment of international disputes, as the most appropriate means of attaining the objectives of the United Nations, particularly in the sphere of the maintenance of international peace and security.

77. Mr. EDON (Benin) expressed the sympathy of his delegation on the death of Mr. Bernardo Zuleta, Under-Secretary-General and Special Representative of the Secretary-General for the Law of the Sea.

78. Turning to the item under consideration, he said that it was regrettable to see from the report (A/36/33) that the results of the Special Committee's work were disappointing and that it had been unable to carry out the task entrusted to it by the General Assembly in resolution 37/114. From a reading of the report, it was clear that it had not been possible to reach general agreement, owing to some persistent opposition.

79. One of the main reasons for the establishment of the Special Committee was the widely accepted view that collective security was not effectively guaranteed and that the Organization, with its obsolete working methods and a structure that was out of step with world development and current realities was passing through a crisis in the face of which it was not possible to remain impervious. The majority of Member States were concerned with the search for appropriate solutions, which justified the special interest taken by the non-aligned countries in the work of the Special Committee. He hoped that the Special Committee would do fruitful work and help to remedy the ill that was besetting the Organization and preventing it from discharging its obligations with regard to international problems which might present a threat to international peace and security.

80. Such was the thrust of the appeal made at New Delhi at the seventh Conference of Heads of State or Government of Non-Aligned Countries, at which speakers had noted with concern that the Security Council was still being prevented from discharging its obligations with regard to the maintenance of international peace and security. The Conference had stressed the need to enhance the effectiveness of the work of the Special Committee and had expressed its support for the efforts made with a view to achieving concrete results in the strengthening of the role of the United Nations. It would be fitting if the eighth summit conference could congratulate the Special Committee on the satisfactory completion of its task.

81. With regard to the rationalization of the existing procedures of the United Nations, which was covered by paragraphs 17 to 21 of the report, his delegation had taken careful note of the work and deep thought which had produced 31 proposals. Although the common denominator of those proposals was concern about the effectiveness and scientific organization of work, it was necessary that the exchange of views should continue and that the thought should be directed towards the final objective of rationalization. Nevertheless, without underestimating the importance of that item, his delegation believed that priority should be accorded to the maintenance of international peace and security, because of the foil of tension existing in the world. Accordingly, working paper A/AC.182/L.29/Rev.1 submitted by the delegation of Egypt on behalf of the non-aligned countries, offered a good basis for work and was useful in that it envisaged the enhancement of the capacity of the Security Council to discharge its tasks. However, it should be recognized that the abuse of the veto by certain permanent members of the Council had reached such proportions that the developing countries, particularly those belonging to the Non-Aligned Movement, had deemed it appropriate to request some democratization of the procedures for the adoption of decisions in the Council, so that the small countries might not remain mere decorative figureheads in that august forum. It was essential to strengthen the representation of the non-aligned countries in the principal organs of the United Nations, especially on the Security Council, on the grounds of respect for the sovereignty and equality of States. The solution of that problem necessarily presupposed the revision of the Charter or at least the amendment of several of its Articles, which was absolutely normal, since that was envisaged in the provisions of Chapter XVIII of the Charter.

82. For that reason, his delegation was not convinced by the argument that consideration of the document of the non-aligned countries might impede or interfere with the efforts of the Security Council, whose members were conducting informal consultations on various aspects of improving the Council's effectiveness in the discharge of its proper function, namely, the maintenance of international peace and security. That criterion was not legally acceptable, for the reasons stated in paragraph 26 of the report. His delegation shared the view expressed in that regard by General Carlos Romulo, Minister for Foreign Affairs of the Philippines, in his statement on 23 November in the Sixth Committee, when he had said that consensus should be returned to its true, proper and useful meaning. It was important also to take into account the fact that the non-aligned States had tripled since the establishment of the United Nations and that most of the conflicts witnessed since the Second World War had taken place in developing countries.

83. With regard to the peaceful settlement of disputes, he expressed his delegation's pleasure at the adoption of the Manila Declaration on the Peaceful Settlement of International Disputes at the thirty-seventh session of the General Assembly. However, that document was not sufficient. He therefore found the proposal of the delegations of Nigeria, the Philippines and Romania, concerning the creation of a standing commission for good offices, mediation and conciliation, to be relevant.

84. Similarly, his delegation welcomed the proposal for the preparation of a handbook describing all existing mechanisms and facilities within the United Nations for the peaceful settlement of disputes between States and the proposal for a study of the reasons why States did not make more frequent use of existing machinery to settle of their disputes. The last-mentioned proposal met the concern expressed by the Secretary-General in his report on the work of the Organization for the thirty-seventh session (A/37/1). The efforts of the Organization in the
maintenance of international peace and security and in the peaceful settlement of disputes should place greater emphasis on multilateral preventive diplomacy. Such preventive action had been outlined by the Secretary-General in his above-mentioned report.

85. His delegation wished to emphasize that, in view of the excessive slowness of the work of the Special Committee, the General Assembly should make its mandate more specific, taking into account the real character of the problems encountered by the Special Committee from the commencement of its work up to the present. With the good will and understanding of all, the current difficulties could be surmounted, and his delegation wished the mandate of the Special Committee to be renewed.

86. Mr. ACERO (Colombia) expressed appreciation to delegations for their expressions of condolences on the death of Mr. Bernardo Zuleta, Under-Secretary-General and Special Representative of the Secretary-General for the Law of the Sea.

The meeting rose at 6 p.m.