

United Nations  
**GENERAL  
ASSEMBLY**

TWENTY-NINTH SESSION

Official Records



**2316th  
PLENARY MEETING**

Thursday, 12 December 1974,  
at 3 p.m.

NEW YORK

CONTENTS

	<i>Page</i>
Agenda item 48: Charter of Economic Rights and Duties of States ( <i>concluded</i> ) Report of the Second Committee .....	1381
Agenda item 20: Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States: report of the Secretary-General ( <i>concluded</i> ) ..	1386

**President: Mr. Abdelaziz BOUTEFLIKA  
(Algeria).**

*In the absence of the President, Mr. Siclait (Haiti),  
Vice-President, took the Chair.*

**AGENDA ITEM 48**

**Charter of Economic Rights and Duties of States  
(concluded)**

**REPORT OF THE SECOND COMMITTEE (A/9946)**

1. Mr. HASHMI (India): My delegation would like to join other delegations that have paid tribute to the initiative of the President of Mexico in proposing a Charter of Economic Rights and Duties of States, and to the Mexican delegation, which successfully piloted the long and arduous negotiations over the last two and one half years.

2. We are disappointed that some countries have not found it possible to subscribe to the principles enshrined in the Charter, but we are cognizant of the efforts they have made in a spirit of compromise, and we continue to hope that at some stage they will become partners in sharing and advancing those principles.

3. Even as it is, this document is a compromise and, like all compromises, does not reflect a premeditated set of opinions of one group or another. But we welcome this Charter as one more step towards a more orderly and just economic order in the world. It redresses the imbalance of rights and duties for those countries upon whom a peculiar constellation of historical events had imposed a condition of perpetual penury or deprivation. Yet, in the view of our delegation, it does take due account of the legitimate interests of the more affluent States as well. With its passage, one more landmark has been reached in the process that started with the establishment of the United Nations itself: the re-assertion of the right of every nation,

rich or poor, big or small, endowed or deprived, to full sovereign equality. It is our hope that some of those countries which have found it impossible to subscribe to the Charter today will nevertheless value its historic importance. We sincerely invite them to join the mainstream of world thinking on economic rights and duties.

4. On one point, however, I should like to take this opportunity to explain briefly the position of my Government. My delegation abstained on subparagraph (v) of chapter I of the Charter, concerning free access to and from the sea by land-locked countries, not because we wished in any way to detract from the importance of the Charter, but because we felt that subjects which are still being discussed and it is to be hoped, will be decided in other forums, should not be settled in the course of negotiations of such a wide-ranging nature here. We believe that this Charter was not an appropriate place to regulate the question of access to and from the sea by land-locked countries. In fact, the law applicable to this subject is contained in the relevant multilateral and bilateral agreements. Access to and from the sea for the land-locked countries is not absolute. It is our understanding that the manner in which the question of access to and from the sea over the territory of transit States is regulated will be determined by agreement between the land-locked States and the transit States concerned. India is not opposed to the legitimate interests of the land-locked States, especially developing countries. India maintains, however, that, since such access involves transit over the territory of another sovereign State, the equally legitimate rights and interests of that State should be fully respected. Consequently, the exercise of access must necessarily be regulated by mutual discussion and agreement between the land-locked State and the transit State directly concerned.

5. A framework of this nature requires intensive negotiations and obviously cannot be realized by means of a simple formulation of the nature contained in the Charter. In our understanding, the present Charter does not elevate access to and from the sea by land-locked countries to the level of a right under international law, nor could it affect in any way the present legal position on the subject. It is simply one of several formulations of what is considered necessary to promote international economic co-operation.

6. Mr. AWANG (Malaysia): I should like to explain the position of the Malaysian delegation on chapter II, article 2, paragraph 2 (c), of the Charter of Economic Rights and Duties of States, relating to the question of nationalization and compensation.

7. Malaysia has an active policy of wooing foreign investment and has entered into a number of bilateral and multilateral investment guarantee agreements. Although we voted in favour of paragraph 2 (c) in the Second Committee, our action should not be con-

sidered as a departure from our policy on foreign investment and our commitments.

8. I should also like to take this opportunity to congratulate the Mexican delegation on this auspicious occasion of the adoption of the Charter, which sees the timely and important initiative of its President, Mr. Luis Echeverría, being richly rewarded.

9. Mr. STURKEY (Australia): The Australian Government was pleased to support the draft resolution adopted this morning. In doing so, my delegation would like to pay a tribute to President Echeverría of Mexico, whose vision, in calling for a Charter of Economic Rights and Duties of States, has been realized today.

10. My delegation made a statement in the Second Committee, on 9 December,<sup>1</sup> when it expressed reservations and made interpretative comments on a number of the provisions in the resolution and our participation in the adoption of the resolution today should be seen in the context of that statement. Those reservations and interpretations remain on record.

11. Australia was pleased to serve as a member of the UNCTAD Working Group on the Charter of Economic Rights and Duties of States and worked constructively for the preparation of a document that could command the general support of the United Nations membership. It is a matter of regret, therefore, that the draft resolution could not have been adopted today without a vote.

12. Mr. ROUGÉ (France) (*interpretation from French*): The States members of the European Economic Community, as well as the Community itself, welcomed with enthusiasm the idea, launched at Santiago in the spring of 1972 by Mr. Luis Echeverría, President of Mexico, of drafting a charter of economic rights and duties of States. The States members of the Community and the Community itself have participated with considerable interest in the discussions on this subject that have taken place since then. They therefore regret all the more the abrupt ending of negotiations before complete agreement could be reached on some of the highly important points that still remained unresolved, just when the consultations conducted here in October outside the Assembly had revealed prospects that were not fully explored.

13. The presence in the text just adopted of provisions of which they do not approve explains the votes cast by the nine delegations on whose behalf I have the honour of speaking. On behalf of those delegations, I wish to reaffirm the positions which follow from the amendments they submitted [*see A/9946, para. 6*]. I refer also to the votes they cast [*ibid., paras. 22 and 23*] and the explanations of vote they gave in the Second Committee.<sup>2</sup>

14. Mr. KANAZAWA (Japan): I wish to take this opportunity to pay the most profound respect of my delegation to the initiative taken by the President of Mexico, Mr. Echeverría, for the elaboration of the Charter of Economic Rights and Duties of States, and to express its full agreement with the objectives underlying that initiative.

15. My delegation abstained in the vote on the draft Charter as a whole for reasons which have been explained in the Second Committee<sup>3</sup> and which I shall

therefore refrain from repeating here in the plenary Assembly. However, I should like to state that, if separate votes had been taken on individual articles, my delegation would have voted against articles 2, 5, 6, 19 and 28, respectively, as it did in the Second Committee. My delegation's abstention on the draft Charter as a whole does not imply any change in its negative position on the articles that I have just mentioned.

16. Mr. JANKOWITSCH (Austria): My Government has, on a number of occasions and in different contexts, expressed its support for the concept of a charter of economic rights and duties of States, as proposed by Mr. Luis Echeverría, President of Mexico. We have done so in order to underscore our interest in the evolution of economic and social principles corresponding to the requirements of the rapidly developing interdependent world economy.

17. It was our hope that the new Charter of Economic Rights and Duties of States could be based on the widest possible degree of agreement and could thus be adopted by consensus. Given the complexity and sensitivity of the issues at stake, it was to be expected, however, that negotiations would be difficult and extensive. Full recognition must be given in this context to the sincerity and diligence of all those who participated in these negotiations.

18. A special word of tribute is due to the delegation of Mexico, which did everything it could to further the negotiating process in a constructive spirit.

19. My delegation feels—and I am sure that this feeling is shared by many others—that the negotiations did clarify many points and resulted in significant progress in the formulation of agreed texts for a large section of the document.

20. My delegation was thus able in the course of the voting to express its agreement on a large number of provisions, whereas on others we gave preference to specific wordings which, in our view, might have widened the basis of agreement and, in the last analysis, of the document itself. On some provisions, however, we felt bound to register concern and disagreement; this is particularly true with reference to the provisions contained in article 2, paragraph 2 (c), and articles 4, 5, 16, 26 and 28.

21. I do not wish at this stage to go into the reasons why we could not agree to the above-mentioned articles, because the Austrian delegation did that extensively in explaining its vote in the Second Committee.<sup>4</sup> But I would not wish to conclude without stating once more that my country regrets the lack of a consensus on the Charter of Economic Rights and Duties of States. At the same time, we do hope that all possibilities regarding the future examination of those provisions which at present are still controversial will be fully explored, in a spirit of understanding and compromise and with the objective of ensuring the widest possible agreement. It should not be overlooked that despite considerable differences of opinion on specific issues, a large measure of agreement has emerged. All this tends to justify our hope that the forward-looking initiative which the Charter represents will further stimulate and give momentum to our deliberations and the efforts to promote economic and social development, in the interests of all.

22. It is in that sense that we warmly welcome and gladly respond to the appeal made from this rostrum this morning [2315th meeting, paras. 148-172] by the Secretary for External Relations of Mexico, Mr. Rabasa, to all countries to combine their efforts to create a new, genuine, era of global solidarity.

23. Mr. SHARAF (Jordan): My delegation is gratified at the adoption, by an overwhelming majority, of the Charter of Economic Rights and Duties of States. As a sponsor, Jordan subscribes wholeheartedly to the contents of the document. We should have preferred a consensus agreement based on a longer and deeper dialogue among the various participants and in respect of the various views, but we hope that a continuous dialogue and reappraisal of our course and future achievements will be maintained.

24. The most important fact about this document is that it complements and perhaps crowns the efforts made over the last few years in creating a new intellectual framework for the course along which international economic relations must evolve. In its main themes and broad outline it is the formula for an irreversible future evolution.

25. While we endorse the content of the whole document, my delegation would have preferred a different formulation of certain articles in the Charter. Our specific stands stem from our broad position on some issues raised by the Charter of Economic Rights and Duties.

26. My Government believes that a reasonable balance should be maintained between the overriding consideration of sovereignty and the national independence and welfare of States, particularly developing States, on the one hand, and the pragmatic consideration of encouragement of foreign investment, on the other. My Government has traditionally welcomed, within its prevailing and specific laws, foreign investments which we believe can help the process of economic development. We are also aware of the legitimate fears of developing countries like ours regarding the main vehicle of foreign investment, the transnational corporation. The matter has to be looked at objectively and with an open mind. The positive side of foreign investment must be realized. The negative aspects, which by now are evident, must be controlled. The starting point must be legislation within the host countries themselves which defines the rules of conduct for the transnational corporations. Within the United Nations framework there is growing experience regarding the subject and clear and concrete trends.

27. While we understand the problem intimately and share with all our fellow members of the group of developing nations fears and objections with respect to the abuses and excesses of transnational corporations, we believe in the need for a flexible and practical approach to the subject.

28. We had hoped for a more balanced formulation of paragraphs 2 (a) and 2 (c) of article 2, which deal most directly with the issue. It is the sovereign right of every State to nationalize foreign property if the legitimate national need requires it. But the foreign investors must be given sufficient guarantees, derived from the spirit of international law and international co-operation, in the mutual interest.

29. In this context, the concept of collective economic security has a special position and significance. It goes to the root of the principle of international interdependence.

30. Having pointed out the need for enlightened and balanced implementation, I wish to return to the main theme of the Charter.

31. The Charter is a necessary leap in the direction of correcting the theoretical foundation of contemporary international economic relations. The steps taken in this field in recent years, particularly during and as a result of the sixth special session of the General Assembly, are substantial achievements for the whole international community. As a developing country, Jordan is particularly attached to the belief in and the goal of restructuring international economic relations. The developing countries do not need only another comprehensive plan of development assistance. They need—and so does the world economy—an effective correction of the structural imbalances. The widening gap between the developing and the developed countries appears to be the result of those structural imbalances. Until the necessary changes begin to be made, the idea of new and more equitable economic relations will remain without content.

32. My delegation hopes that the seeds sown in this Charter will bear fruit in the near future. We hope that the dialogue will continue on this vision of the inevitable future among all of us in the United Nations, and particularly between the vast majority that is enthusiastic about this vision and those whose co-operation and positive attitude are necessary for its successful implementation.

33. I take this opportunity to express our deepest appreciation to the Government and delegation of Mexico in particular and to all those delegations that took part in the difficult process of drafting the Charter, on the imaginative initiative of the President of Mexico, Mr. Luis Echeverria. We believe that the adoption of the Charter is one of the most important decisions taken by the United Nations in the economic field, not to mention the broader field of international relations.

34. Mr. TEMBOURY (Spain) (*interpretation from Spanish*): Although the Spanish delegation gave a detailed explanation of its vote in the Second Committee<sup>5</sup> on the Charter of Economic Rights and Duties of States—an explanation that I would ask representatives to regard as duplicated here—I must at least restate some views that my Government feels are of interest.

35. Since the idea of drafting a charter of economic rights and duties of States was launched at Santiago, the delegation of Spain has actively and willingly co-operated, in this and other international forums, in the effort to bring that idea to fruition.

36. The work carried out and the road that has been travelled during this period of two and a half years are of positive value and of far greater scope than could have been envisaged in 1972. None the less, there was still a great distance to go, and that is why we should not have gone too fast.

37. Nevertheless, the text put forward officially at this session of the Assembly is very different from

the one on which we were negotiating and which was the outcome of the meeting in Mexico and subsequent meetings.

38. The Spanish delegation believes that a charter of economic rights and duties of States which, while not reflecting unanimity, at least reflects the consensus of all delegations, is a document of relative value.

39. We see now with deep regret that the balance we should have liked to establish in the Charter has been completely altered. Because of this, and in view of the fact that we have a document which suffers from serious defects, in particular from a conspicuous disproportion in a certain sense, the Spanish delegation was not able to support it as a whole, and for that reason has abstained in the vote.

40. We very sincerely regret that, as a result of the decision to press the matter to a vote, many efforts have come to naught, and thus a document which would undoubtedly have had a great impact on the new international economic order has been deprived of its effectiveness. Its adoption at the forthcoming special session of the General Assembly would have been well-timed and would have resulted in the adoption of a more judicious text.

41. Mr. OLCAY (Turkey): My delegation voted in favour of the Charter of Economic Rights and Duties of States, since it considers the text just adopted an important landmark in the evolution of international economic co-operation and an assertion of interrelated interests and common goals. Significant as it is, it would have crowned the present session of the General Assembly, had it been adopted by consensus.

42. Turkey, being a developing country itself, has been among the advocates of a charter that would specify the commitments and undertakings of States, with special emphasis on the interests and needs of the developing countries, regardless of their levels of development and irrespective of their geographical positions.

43. It is with this conviction that Turkey supported the initiative of Mr. Luis Echeverría, President of Mexico, during the third session of UNCTAD.

44. The elaboration of the Charter, from the time it was first proposed, has coincided with the reconsideration of the existing international economic order and with efforts to establish a new one based on equity, sovereign equality and, in general, on interdependence and co-operation among all States.

45. In this respect, I must recall the Declaration and the Programme of Action on the Establishment of a New International Economic Order adopted at the sixth special session of the General Assembly held earlier this year [*resolutions 3201 (S-VI) and 3202 (S-VI)*].

46. Turkey sympathized with the principles set forth in those two important resolutions and supported their adoption. Furthermore, Turkey had hoped that the Charter, reconciling differing interests of all States, would constitute the framework for future efforts in implementing the principles in those resolutions.

47. My delegation regrets, therefore, that the Charter could not be adopted by consensus. Hoping that a more generally acceptable text would be produced, my

delegation supported efforts for the continuation of negotiations.

48. The Charter, in its present form, certainly is an assertion of the political will of the Members here and will constitute a basis for the future considerations of the international economic order.

49. I should like here to indicate that my delegation supports the Charter as a whole, although there are some parts of it which do not coincide entirely with its views on some of the relevant subjects.

50. We consider that, had some of the articles of the Charter been more realistically and clearly worded, future problems in their interpretation would have been avoided from the outset.

51. While voting in favour of the Charter, my delegation would have abstained on articles 16, 19 and 26 had they been put to the vote separately.

52. As it has been previously stated on different occasions, Turkey considers that the co-operation envisaged in article 3 of chapter II should be within the framework of normal friendly relations existing between the neighbouring States, and it should be pointed out that the present text does not sufficiently emphasize the principle of a State's sovereignty over its natural resources. Therefore, my delegation would have had to abstain in the vote on this article.

53. Furthermore, my delegation would have abstained in the vote on article 26, because this paragraph does not comply with the provisions of the relevant international organizations which deal with the issues contained in this article.

54. On the other hand, I should like to state, with regard to article 2 of chapter II, that my delegation would have preferred a relevant reference to the applicability of international law, where the case may require, since it would have made the text more in conformity with the Turkish legal system.

55. Furthermore, I should like to clarify that it is the understanding of my Government that, as a developing country, any resources it frees in the event of a general and effectively controlled disarmament will have to be utilized for its own developmental purposes.

56. Mr. CONSALVI (Venezuela) (*interpretation from Spanish*): On behalf of Venezuela, I wish to express to the General Assembly the great pleasure of my Government and my country at the adoption of the Charter of Economic Rights and Duties of States, which took place this morning.

57. We are deeply gratified for various reasons: first, because it was an initiative taken at the third session of UNCTAD at Santiago by Mr. Luis Echeverría, President of a great Latin American country—the country that was the first in history to nationalize its oil at a time when such decisions did not meet with the world approval that they now do—which is so clearly enshrined in this Charter of Economic Rights and Duties of States.

58. Venezuela, as a country which exports raw materials of vital importance and significance to the world, a country which this very week has nationalized the iron industry and which in 1975 will nationalize the petroleum industry—exploited for more than 50 years by transnational corporations—interprets the

Charter of Economic Rights and Duties of States as being an instrument which will guide the economic relations of States in accordance with just and equitable norms for the benefit of all countries of the world, thus contributing to the establishment of the new international economic order—which my country, like so many other countries in the world, believes to be indispensable.

59. Venezuela acts and will act in consonance with what has been laid down in the Charter of Economic Rights and Duties of States. We have nationalized iron and I take pleasure in stating that this has been done by means of the compensation provided for in article 2 of the Charter; and we shall follow an identical course in respect to the nationalization of petroleum.

60. In conclusion, I should like to reiterate the appreciation of Venezuela to Mexico and its President, Mr. Luis Echeverría, and to its Secretary for External Relations, Mr. Rabasa, whose words today were a just and faultless interpretation of the Charter of Economic Rights and Duties of States.

61. Mr. AL-KHUDHAIRY (Iraq): My delegation voted in favour of the Charter of Economic Rights and Duties of States which was adopted this morning. However, we regret the fact that the adoption was not by consensus, as we had wished. As one of its sponsors, Iraq believes that the fundamental purpose of the Charter is the formulation and development of rules for the establishment of the new international economic order, as envisaged in the Declaration and the Programme of Action adopted at the sixth special session of the General Assembly [*resolutions 3201 (S-VI) and 3202 (S-VI)*]. At the same time, however, we realize that the Charter is not a final document and that it does not exactly reflect the full aspirations and goals of the developing countries for a better life. For those reasons, we consider article 34, which refers to the periodic consideration of the Charter by the General Assembly, to be a vital article. We express the sincere hope that in the periodic reviews, those developed countries which have expressed grave reservations on parts of the present Charter will reconsider their positions in the light of the continuing evolution of the economic, social, legal and other factors related to the principles on which the Charter is based and on its purposes.

62. I should like now to say a few words in explanation of my delegation's interpretation of some of the paragraphs and articles of the Charter.

63. I wish first of all to refer to subparagraph (c) of the fifth preambular paragraph. We interpret that subparagraph as clearly meaning that those States which follow and adopt expansionist and hostile policies towards other States and those entities which forcibly and illegally occupy other peoples' lands and territories are not and must not be entitled to receive any co-operation from other, peace-loving States, and that they must not benefit from the new international economic order.

64. My delegation also places great importance on the principles (c) and (i) in chapter I. Principle (i) is especially important in the light of what many of the developing countries have experienced as a result of foreign occupation and aggression. A part of the Arab world, Palestine, is still being subjugated to this

abhorrent form of foreign occupation, aggression and exploitation.

65. My delegation attaches special importance to article 2 of chapter II. The permanent sovereignty of a State over its natural resources [*see article 2, para. 1*] and its unrestricted, unlimited and unhindered exercise of control over its natural resources, wealth and all economic activities within its boundaries is now clearly and fully recognized as one of the most fundamental, inalienable and prerequisite rights of a State if it wishes to be considered a State in the true meaning of the word.

66. The remaining paragraphs of article 2 clearly demonstrate the importance of the related rights which States have in the domain of sovereignty over their natural resources. It is our policy that the activities of multinational corporations must be subject to the rules, regulations, supervision and control of the host State and that those activities must conform fully to the economic and social policies and development goals of the host country. It is also our understanding that the principle of nationalization is the most effective expression of the permanent sovereignty of a State over its natural resources and all economic activities within its boundaries. We believe also that in developing countries that are exporters of raw materials nationalization is the only way to implement effectively the principle of permanent sovereignty and to exercise real and effective control over natural resources. It is only by nationalization and the liquidation of concessionary systems and all colonial forms of exploitation that developing countries can freely and efficiently use those resources for the benefit of their people in fulfilling the objective of their accelerated social and economic development. Our understanding of that principle is that all questions and consequences arising from the exercise of the right of permanent sovereignty over natural resources are to be governed solely by the State concerned, its competent organs, institutions and laws.

67. My delegation also welcomes the affirmation of the right of developing countries that are producers of raw materials to establish and work through associations. My delegation understands that the main objective and aims of such associations are to defend and safeguard the common interests of the raw-material-producing developing countries, constituent members of such associations, and to determine the right values and prices of the commodities concerned with a view to continuously improving the income from their exports, which is necessary for present and future development requirements of the producing countries. In this regard, my delegation interprets article 32 as prohibiting developed countries from using any form of coercion, be it overt or covert, economic, political or social, against any developing country exercising its legitimate right to defend its sovereignty as stated in the Charter. We believe, furthermore, that the international community is committed, morally as well as politically, to defending the exercise of those rights and to frustrating any attempts, discriminatory measures or actions aimed at undermining and rendering ineffective and inoperative those stated and recognized rights.

68. My delegation also interprets the reference in article 28 to the adjustment in the prices of exports of

the developing countries in relation to their imports to mean the indexation of such prices.

69. Before concluding I should like to put on record the expression of my delegation's profound appreciation to the President of Mexico, Mr. Luis Echeverría, for his inspiration and far-sighted vision, which have borne fruit in the Charter we have adopted. I should like also to pay special tribute to the Mexican delegation for the untiring efforts it exerted in the final stages of negotiations on the Charter in the General Assembly.

70. Mr. WORKU (Ethiopia): My delegation, first of all, wishes to pay a tribute to Mr. Echeverría, the President of Mexico, for his far-sighted and inspiring initiative in the drawing-up of the Charter of Economic Rights and Duties of States, which we all believe will have a far-reaching effect on future international economic relations. I should like also to seize this opportunity to express my delegation's deep appreciation and thanks to the Chairman and the Working Group on the Charter of Economic Rights and Duties of States for their untiring efforts to produce the document before us. Our congratulations also go to the entire Mexican delegation, without whose dedication and extreme co-operation this document would have not taken its present shape.

71. My delegation voted for the Charter as a whole, since we believed that the Charter we finally adopted this morning in this Assembly defines and regulates international economic relations, thereby establishing a new international economic order that ensures maximum economic co-operation, progress and well-being for all nations. In our opinion, it provides a basis upon which the members of the international community will build their relations in the future. The Charter reaffirms in a more enlightened way the internationally accepted proposition that co-operation among members of the world community is an indispensable reality with which we have to live in order to survive and progress in this interdependent world.

72. My delegation, while endorsing the principles enshrined in the Charter, finds it very difficult to accept the provisions of article 3. We voted against this article for the simple reason that it is not clear enough in its intent. From what my delegation understands, article 3 seeks to set a norm for rules of conduct which two or more States that share common resources have to follow in order to organize their shared resources. Unfortunately, the article fails to specify or define the nature of the norm. In our opinion, the provisions of the article are quite defective. The article is so vague that it lends itself to extensive and numerous interpretations, which may eventually form a hotbed of conflict rather than co-operation. For instance, the phrase "prior consultations" as formulated in article 3 may be interpreted as prior consent, in which case a given State can exploit its natural resources only when it obtains permission from its partner State. This is a clear contravention of the basic principle of the sovereignty of States over their natural resources.

73. My Government, while it is always willing to co-operate with other States within the framework of existing normal relations and friendly co-operation, will not subscribe to the proposition that the need for effective co-operation should override the principles

of full sovereignty of States over their natural resources.

74. Mr. H. S. SHRESTHA (Nepal): My delegation voted in favour of the draft resolution relating to the Charter of Economic Rights and Duties of States, which was adopted this morning. We believe that the adoption of this Charter is an important step in the promotion of international co-operation and development. We should like to pay tribute to the initiative taken by the President of Mexico and we appreciate the efforts made by the Mexican delegation at this session in formulating this draft resolution.

75. We voted in favour of subparagraph (o) of chapter I of the Charter, which refers to free access to and from the sea by land-locked countries. We understand that this subparagraph (o) implies the right of free access to and from the sea of land-locked countries. I might recall that this right of free access to and from the sea of land-locked countries has been already recognized by the international community in UNCTAD and ECAFE and it has been incorporated also in the Kabul Declaration.<sup>6</sup>

*Mr. García Robles (Mexico), Vice-President, took the Chair.*

#### AGENDA ITEM 20

**Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States: report of the Secretary-General (concluded)\***

76. Mr. MAINA (Kenya): My delegation has made its views known in the report of the Secretary-General on the agenda item now under discussion [A/9695]. I should like to take this opportunity to elaborate a little further on some of those views and also to make observations on the comments of other delegations where appropriate, including those comments that have been made during the debate on this issue.

77. My delegation has faith in the United Nations as the only institution in our time that can be used effectively for the maintenance and consolidation of international peace and security. In the past few years the world has seen local conflicts in the Far East, the Middle East and elsewhere that had the potential of endangering international peace and security. Prompt action by the United Nations has, on more than one occasion, prevented the escalation of these local conflicts to international proportions.

78. While noting with some measure of satisfaction this welcome result, my delegation has noted with concern a tendency in the recent past to relegate the United Nations to the role of approving what has been concluded outside the Organization. We commend those who have on their own initiative taken steps to solve the problems. We cannot, however, avoid pointing out that an excessive use of this method tends to weaken the role of the United Nations in being the main forum for the maintenance of peace and security.

\* Resumed from the 2314th meeting.

79. In our view, the first step towards the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security is to use the United Nations first to resolve conflicts. To encourage the present trend would be tantamount to giving Member States the opportunity to use the Organization as a rubber stamp to approve and entrench their own national interests.

80. What I have said with regard to the maintenance of peace and security is also true in relation to the development of co-operation among States generally, and in particular in the economic field. This is why we have encouraged the use of the United Nations to resolve the present energy crisis and the setting-up of the new international economic order. We are convinced that if Member States are encouraged to use the United Nations more, as opposed to using regional groups and other groupings in solving international conflicts and economic matters, the United Nations will be strengthened in the process.

81. One area that could be looked into in the process of strengthening the role of the United Nations is the review of the Charter. We have expressed our views in the appropriate Committee on this matter and shall not, therefore, elaborate further here. It suffices for us to point out that there is a need to take steps to rectify the present practice whereby Member States hide under the provisions of Article 2, paragraph 7, whenever they do not wish to implement certain resolutions or other provisions of the Charter.

82. During my statement in the general debate [2257th meeting, para. 44] I pointed out that the world is such that, at the present time, no one State can say that what is happening on its borders does not affect other States. The misuse of the non-interference clause, as we all know, encouraged certain Member States to act contrary to the provisions of the Charter without effective measures being taken against them. The removal of this anomaly will go a long way to strengthening the role of the United Nations.

83. Still commenting on the Charter, I should like to say that my delegation has called for a review of the structure and membership of the Security Council. We especially should like to examine the effect the use of the veto has on the implementation and the effectiveness of the decisions of the United Nations. Unhappily, we have seen how the veto has been abused in the name of being rational. While recognizing that, at the establishment of the Organization, the situation was such that certain founding members may have had more obligations for the maintenance of peace and security, the present membership of the United Nations and the involvement of solid international machinery to solve conflicts call for reappraisal of the need to grant a few Members the overriding vote which they can use at will to obviate the opinion and interests of the majority of the Member States. It is the opinion of my delegation that the use of the veto should be regulated by defining more precisely its use and the alternatives available to the Organization as a whole.

84. One area of great importance that should be examined if the Organization is to be effective is the political will of the Member States to implement decisions of the Organization even when they did not concur in the voting at the time when the deci-

sions were being taken. We have noticed a tendency by an increasing number of Member States to implement only those resolutions and decisions of the Organization that they supported during the discussion of the item. This, in the view of my delegation, is tantamount to deciding beforehand what a Member State will do irrespective of the collective opinion of the rest of the membership.

85. The annals of the United Nations are filled with resolutions reiterating or calling upon Member States to implement decisions that have been taken before. The Charter makes it incumbent on Member States to implement the decisions of the Organization. We emphasize that continued defiance by Member States in this area will weaken the role of the United Nations rather than strengthen it. Each Member State willingly joined the Organization and, as we all know, it is the duty of a member of any organization to honour the decisions that are in the interests of the majority of the members of the organization.

86. During past sessions, and in particular at this session, a dangerous and unhealthy situation seems to be developing that threatens the very existence of the Organization. When we were discussing agenda item 108, the question of Palestine, I stated:

“... my delegation has observed a disquieting development, starting from the beginning of this session. My delegation heard with dismay from very unexpected quarters derisive terms used in connexion with the work of the General Assembly of the United Nations. We have heard, among others, terms such as ‘mechanical majorities’, ‘built-in majorities’ and ‘tyranny of the majority’, all of which culminated in an unusual challenge of a ruling of the Chair last week. This was then followed by the most unseemly accusation of bias on your part.

“All these developments, unless checked, will lead to a very unhealthy situation in the future. My delegation views these developments with concern, as we consider that they are not so much aimed at anything peculiar to this twenty-ninth session, but rather at the very foundation on which the United Nations is built.

“These attacks are all designed to discredit this Organization and to prepare the way for a more serious onslaught. The reasons for these attacks are of course not difficult to understand. This Organization has established its independence, an independent approach to problems and a capacity to follow the truth without the handicaps of prior commitments characteristic of the post-war years.

“These matters ought to be given attention now before great damage is done to the only Organization capable of giving mankind as a whole any hope of a peaceful future.” [2295th meeting, paras. 1-4.]

87. I am happy that the debate has started earlier than I had expected. Were these tendencies merely pronouncements we could probably just call them signs of frustration. However, they assume a different proportion and importance when they are coupled with veiled or direct threats, including threats of withdrawing financial support from the Organization. There have been accusations that the majority has been insensitive to the minority. My delegation does not find any evidence to substantiate such allegations and

we should like to point out the following with regard to this dangerous development.

88. The United Nations is an organization of sovereign States drawn together by common goals. We know that it is not a legislature and we also know it is neither a social club nor a charitable organization. We believe all of us have the same goals at heart but our ideas of how best to achieve these goals may be different. Being an organization of sovereign States, the Members of the Organization are definitely free to enjoy or terminate their membership whenever they so desire. We must not allow the Organization to be dictated to by a minority, however powerful. The regulations of the Organization are clear. The rights of all Members are equal, and to equate them with an expanse of territories occupied by individual Members, the size of the population, or their wealth is inconsistent with the provisions of the Charter.

89. The statements we have heard in this respect have reminded my delegation of the colonial machinations, where the rights of citizens were equated with property and wealth, not to mention the colour of one's skin. If Member States truly and unselfishly support the Organization and thereby accept its authority, we cannot see how these Member States can fail to co-operate in implementing the decisions of the Organization, whether or not their original ideas on these decisions were accepted. The blind rejection of decisions taken by the majority because of self-centred interests is the source of diminishing effectiveness of the United Nations in the maintenance of peace and security, and not the so-called "mechanical majorities".

90. My delegation does not recognize the existence of a mechanical majority in our Organization, and any delegation trying to equate that with the outcome of adoption of a decision by a large majority opposed to their point of view is certainly not giving truth the respect it deserves. During this session, when caustic language has been prevalent, only two or three decisions evoked emotions that led to the criticism referred to above. Looking at the records of this session we noticed that only the decisions relating to South Africa and the Palestinian question have evoked strong, uncontrollable emotions bordering on hysteria. If it were true that the Organization is currently operating on a mechanical majority, why was it not possible to apply the same mechanical majority in relation to the agenda items concerning Cambodia and Korea? I cite this as just an example. There are many other issues of importance that have been decided that can illustrate that the attack on the Organization is absolutely unwarranted.

91. The representative of the United States, when addressing the Assembly on this subject [2307th meeting], departed from the accepted practice and addressed the Assembly in his personal capacity towards the end of his statement.

92. I can assure the Assembly that I have no permission to change my credentials as the official representative of Kenya while standing on this rostrum as my colleague, Mr. Scali, did. In other circumstances he would have been called upon to resign. Therefore, I shall deal with that part of his speech which comes from a distinguished private American citizen, Mr. Scali, less seriously than with the rest.

93. I have not been in this country long enough to speak with any authority, but I am a devoted reader of *The New York Times*, among other papers. However disappointing the paper is in covering United Nations affairs, I am slowly forming an opinion, with the assistance of other mass media, that what Mr. Scali and many other leaders in this country are afraid of is not that the United Nations is declining. They are afraid that the great people of the United States are going to start a free debate on major world issues, including those relating to the Middle East and the Far East. The fear is that, once the public debate starts, the people will not stop until the truth and justice are established. Hence the hurried efforts to divert public attention by pointing a finger at the United Nations itself instead of at the issues with which it is struggling.

94. The question of the strengthening of the role of the United Nations is of very great importance. It is the duty of all of us here representing our countries to inform our Governments accurately, which in turn, we believe, should inform their public of the significance and importance of the decisions taken. We are confident that if the government machinery regulates its reactions to decisions taken against its States, the fears that the representative of the United States mentioned will certainly diminish.

95. In conclusion, my delegation would like to reiterate the importance of consultations as a means of strengthening the United Nations. My delegation agrees with others who have spoken before me that consultations are a vital instrument for negotiation. Contrary to the popular opinion propagated by a few delegations, there have been a lot of negotiations during this session. My delegation cannot, however, accept delaying tactics in the negotiating process as a valid reason for not taking action. Our Organization will be an effective one if Member States will give priority to using it as a means of strengthening co-operation. Highlighting and exaggerating the differences that occur from time to time during deliberations on agenda items will definitely not promote the strengthening of the role of the United Nations which we desire.

96. Mr. CONSALVI (Venezuela) (*interpretation from Spanish*): The delegation of Venezuela has deemed it of the highest importance to participate in this debate on an issue first raised at the twenty-sixth session of the General Assembly on the initiative of the Romanian delegation, a debate that has unexpectedly assumed characteristics and taken a course unforeseen on that occasion.

97. In addition to thanking the Romanian delegation for the inclusion of item 20 in the agenda, we should also express appreciation to those delegations which, by frankly setting forth their views last Friday morning, opened a discussion which might not otherwise have taken place but which, at a time when the United Nations is under attack, was necessary in the view of my delegation. Those attacks possibly indicate that the United Nations is carrying out its mission. Since we deeply believe in that mission, we believe that all who belong to the United Nations should be the first to examine and assess its performance, its achievements, its frustrations and its conquests.

98. Item 20 refers to the strengthening of the United Nations and various ideas and suggestions to achieve that purpose. It is an item of vital interest to developing countries, to the countries that form the third world, which for so many years have been seeking just and considerate treatment in regard to our rights.

99. This is a propitious moment to review the role of the United Nations, because we are living in a time of crisis, a crisis which has different dimensions and connotations, because it touches developed countries; it is, consequently, a dangerous crisis. Since we, the developing countries, have always lived in a state of crisis, these evils do not amaze us for we have learned through the years to live with them. The present crisis carries with it innumerable risks. One of them is to determine who is or who are responsible for the world crisis, for the economic crisis certain countries are now passing through.

100. The diagnosis made by some observers of the world scene is that a few under-developed countries are to blame for the crisis of the affluent society. No doubt this novel theory is a major contribution to economic science, but we are not very sure that it could withstand serious analysis.

101. Venezuela is interested in this debate because, as a small and developing country, it understands full well the need to have a United Nations as effective as it is strong, as dynamic as it is progressive, an Organization that will ensure international peace and security, will eliminate war and violence in all their forms—in both the brutal forms and the more sophisticated forms devised by man's ingenuity.

102. We believe in a United Nations capable of ensuring peace by compliance with its resolutions.

103. We believe in a United Nations capable of ensuring that, in a world of peace, the rights of all peoples and all countries are respected, because peace alone is not enough.

104. We believe in a United Nations that will guarantee the rights of the weak and also the rights of the strong, who at times need help, as we are now witnessing.

105. Fortunately for the United Nations we are now witnessing, in the midst of crisis, a process demonstrating that we live in a world that is interdependent. To the economic crisis and the energy crisis is added a crisis of the old concepts that condemn a large number of countries to dependence while others enjoy limitless well-being. We speak of an "energy crisis", but would it not be better to describe it as a "crisis of waste of energy", which for more than 50 years was bought at minimal prices?

106. The acknowledgement that we live in an interdependent world is a *sine qua non* for perceiving and understanding current phenomena without clinging to the privileges of the past. Therein lies the danger of the present crisis: to hold on to privileges of a past that no longer exists.

107. Since 1945 the United Nations has fulfilled a singular role. At that time there were barely 49 Member States. In 29 years 90 countries have been admitted to membership of the United Nations; and when the slow and complex process of decolonization comes to an end that figure might rise to 100 countries

—100 new countries whose interests may not always coincide with those of the old countries, but upon whom the San Francisco Charter confers analogous privileges. To gauge the depth of these changes, it suffices to realize that, for the first time in history, all the countries of the Mediterranean are independent and all the countries of the Caribbean are independent. The United Nations is, in essence, a democratic organization of sovereign States, linked and compelled by the principles of the Charter to live in peace—all countries, new and old.

108. Some critics of the United Nations appear to forget what has taken place in the world during those 30 years and what took place in the world before 1945. The debate on agenda item 20 and the draft resolutions on the strengthening of the role of the United Nations coincide with certain criticisms levelled against the Organization by the world press, as well as with the dissatisfaction expressed by some delegations on certain aspects.

109. One of the aspects that has been questioned is that of the majority. In our estimation, the majority is neither mechanical nor simply mathematical, but the product of deep agreements, which are absolutely respectable. There may be exceptions, but the majority in the United Nations is governed by profound principles and reasons and does not operate mechanically. It is impossible to speak of a "mechanical majority" when the General Assembly adopts a resolution by more than 100 votes, or when the General Assembly adopts the Charter of Economic Rights and Duties of States by 120 votes. Those 120 votes may be anything, except mechanical votes. Those 120 votes are the outcome of more than 100 years of struggle for sovereignty, equality, fair treatment in trade, consideration and respect for their rights and, in the final analysis, the compliance with principles laid down in the very Charter of San Francisco.

110. When the United Nations decides to prepare a code of conduct for transnational corporations and by that decision votes—as surely it will—by an overwhelming majority of countries, that vote will respond to historical changes and to the emergence of economic phenomena that affect the interests, sovereignty and security of States.

111. We understand that votes of the majority at a given moment do not have the desired effects because the minority is more powerful. That is why we concur with those who believe in compromise and dialogue, in negotiation and points of convergence. We accept as valid and cogent the arguments propounded by some representatives of developed countries on the excellence and virtues of negotiation and conciliation, rather than confrontation. How we wish that practice would demonstrate the sincerity of that theory.

112. Because we believe in negotiation and not in confrontation, the President of Venezuela, Carlos Andrés Pérez, formally proposed, in a message to the President of the United States on 18 September 1974 [A/9784], that the energy crisis be discussed within the United Nations and within the context of the world economic crisis that affects us all. That road to negotiation in the terms proposed holds out advantages for all although, of course, it obliges the major countries to change their trade and economic practices. We have the impression that the industrialized countries prefer

a different way from that of negotiation offered by the United Nations. We do not believe that an energy agency created somewhere responds to those purposes.

113. We believe in the desirability of negotiation. We believe in moderation, in living together and in respecting those who disagree with our interests and views.

114. The world of the decade of the 1970s gives rise to serious dilemmas for the developing and the developed countries which comprise the United Nations. This decade is a challenge for our Organization. Those of us who cannot imagine a world without the United Nations are duty bound to strengthen it. Neither the powerful nor the weak, neither the large nor the small can opt for world anarchy.

115. The delegation of Venezuela believes that a periodical review of the functioning of the United Nations would allow for its strengthening, on the one hand, and for the determination of responsibilities in implementing its resolutions, on the other.

116. Mr. ADJIBADÉ (Dahomey) (*interpretation from French*): In opening the discussion on the item relating to the strengthening of the role of the United Nations and taking advantage of the absence of numerous delegations, some felt it their duty to use the rostrum of the Assembly to present before the international press retrograde, partisan and ill-timed views, which, far from doing them credit, merely unveiled their true face, namely, their inclination to keep the Organization under a certain particular and exclusive influence.

117. Indeed, my delegation was surprised to read in the press of Saturday, 7 December, a summary of a meeting whose purpose was to adopt a routine resolution that the General Assembly has been examining for some time. It is particularly striking to see the photograph of the General Assembly that accompanied the article in *The New York Times*. At the rostrum we saw the permanent representative of a super-Power, who assumed the role of a teacher to give lessons to Members of our Organization who, as a matter of fact, were absent.

118. My delegation would have had no desire to speak out against that manoeuvre if we had not noticed from reading the verbatim records of the 2307th and 2308th meetings that this was indeed a very carefully engineered manoeuvre. It was known that all the heads of the small delegations, especially, were involved in the important discussion on the question of Korea and that the sermon, in the form of a scarcely veiled threat, could be delivered without any impediment.

119. It was thought necessary to issue a warning to the developing countries, which are accused, unjustifiably, of imposing their tyranny on the Organization through the "automatic majority" that they constitute, when the size of their population is clearly smaller than that of the minority, which is making a far from negligible financial contribution to the Organization.

120. My delegation wishes to draw the attention of these teachers who would give lessons to our Organization to the fact that the status of Member of the

United Nations has nothing to do with the size of the population or the wealth of the country, and that in the General Assembly all the Members are equal—which is not the case in the Security Council. Moreover, the delegation of Dahomey would like to draw the attention of these teachers to the fact that those who believe themselves to be the minority of today were the majority of yesterday and, as such, that majority was well pleased to impose its will upon the world community.

121. As I have already had the opportunity to state from this rostrum, those who feel frustrated must not go on living in a past that is never going to return but must swim with the tide. Contrary to what was stated from this rostrum on 6 December 1974, our Assembly has had many opportunities to give proof of its maturity, its sense of judgement and its objective evaluation of international problems.

122. My delegation cannot but take this opportunity to call the attention of our community to a campaign of slander that has been carried on for some time now on a New York television station, Channel 11. That campaign is designed to prove that the city of New York is spending an enormous amount of money protecting diplomats, who do not have to pay property taxes or any other kind of taxes. It would be interesting if, in response to this television campaign, our Organization were to make a study comparing the advantages that the State of New York grants to diplomats with the advantages that our respective countries grant to United States diplomats. Perhaps public opinion in the United States and elsewhere would then be able to reply to the well-known question asked from this very rostrum by an African head of State: Who is helping whom?

123. The problem of the strengthening of the role of the United Nations is very important. We must continue to examine it in a very objective and constructive fashion, as we have always done: We cannot allow certain parties to come here and try to distract our attention by raising selfish points on a question that is really not a question, in the sense that it introduces concepts totally alien to the Charter. Indeed, if the majority were so automatic, so mechanical, so vacuous, and so forth, as is alleged, why did not the Assembly adopt the proposals or draft resolutions on the questions of Cambodia and Korea, for example, that were submitted by the delegations that had requested the inclusion of those questions in the agenda? That leads us to ask: If indeed this automatic majority exists, in favour of which country or group of countries does it operate?

124. Let us not seek to twist the neck of reality. The strengthening of the role of the United Nations does not lie in the behaviour of each of our delegations towards draft resolutions; the strengthening of the role of the United Nations obliges us to rid our Organization of all kinds of hegemony, from wherever it comes: the West, the East, or elsewhere. The super-Powers must understand that, just like them, the small and medium-sized Powers have their own interests, which cannot be dismissed and that, therefore, the developing States cannot and must not sacrifice their own interests to the will of the big Powers merely because they are alleged to have special responsibilities under the Charter. Neither paternalism nor following

in the wake of someone else, is any longer the rule. Each Member State is sufficiently mature to make up its own mind in accordance with its own aspirations and in the interest of the international community as a whole.

125. In order to strengthen the role of the United Nations we must work to ensure universal participation in our Organization; we must work to ensure strict respect for the purposes and principles of the Charter, especially those relating to the maintenance and strengthening of international peace and security. In order to strengthen the role of the United Nations, our Organization must be adapted to the present realities, which are basically different from the conditions that prevailed at the birth of the Organization. To do that it is essential to pursue to completion the process of the review of the Charter in order to increase its effectiveness; the right of veto must be regulated in order to avoid any abuse of that right and the powers of the General Assembly must be strengthened, enabling it to act whenever the Security Council is in an impasse as a result of the exercise of the right of veto. Finally, the role of the United Nations would be strengthened if all the Member States decided to apply the resolutions and decisions adopted by the various bodies of our Organization in accordance with the regular procedure.

126. Those are the objectives that must concern us if we wish to work sincerely for the strengthening of the role of the Organization, in which all the States, large, medium-sized and small, can and must participate.

127. The PRESIDENT (*interpretation from Spanish*): Before calling on the next speaker, I should like to announce that Uganda has added its name to the list of sponsors of draft resolution A/L.748 and Add.1-6.

128. Mr. BENITES (Ecuador) (*interpretation from Spanish*): I speak in this debate with a depressing feeling of disappointment, almost one of frustration. It is precisely the item devoted to the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security that has been used to express ideas in no way contributing to the creation of a calm atmosphere, but rather arousing feelings that might leave a residue of bitterness. This item, devoted to the development of co-operation among nations, has served to lessen our faith in that co-operation, from the moment an attempt was made to divide the world into a minority privileged to have wealth and land and a majority whose decisions it is intended to disregard. This item, devoted to the promotion of the principles of international law in relations among States, has led to the denial of the progressive development of that law through the invocation of obsolete principles.

129. I feel compelled to intervene in this debate, but not in a spirit of acrimony—and I should like the United States delegation, to which I am addressing my words, to hear this—since I have the highest respect for the State that has raised these problems as well as a loyal and cordial friendship with the representative of that country who made those remarks.

130. I shall not dwell on the points that have already been set forth and clarified by many speakers. However, having had the honour of being President of

the General Assembly on two occasions, at the twenty-eighth regular session and at the sixth special session, I feel it is my moral duty to determine what precisely the General Assembly means.

131. The representative to whom I have referred affirmed that the Assembly is an advisory body on matters of world policy, a body which adopts resolutions which, in most cases, are by their very nature merely advisory. If the General Assembly were an advisory body, we would then have to ask: whom should it advise? But the General Assembly is constitutionally the supreme body of the United Nations, whose functions and powers defined in Article 10 of the Charter enable it to discuss any matters relating to the powers and functions of any other of the organs of the United Nations and to consider, under Article 11 of the Charter, the general principles of co-operation in the maintenance of international peace and security. The whole of Chapter IV of the Charter refers specifically to the powers and functions of the Assembly, and not one of them could be interpreted in the sense that the Assembly is merely an advisory body established to provide good counsel.

132. I have said many times—and I repeat it today—that the Charter of the United Nations is, at one and the same time, the organization of the international community—"We the peoples of the United Nations"—and a multilateral treaty irrefragably binding on those States which have subscribed to it, and no State, no matter how powerful, has the right to arrogate to itself the authority to interpret it for its own benefit alone. This is precisely the great originality of the Charter and the source of the hopes which the world community has placed in it.

133. All European policy until the First World War was dominated by the balance-of-power concept and, in fact, the Holy Alliance was not only designed for the maintenance of absolute power there, but also directed against Latin America, which, at that time, was fighting for its independence. I do not think it is possible to resurrect holy alliances, nor do I think that anyone exists today who might wish to revive Metternich's dream, except perhaps in psychiatric institutions. Policy at the beginning of the century was dominated by what has been described as a power politics, which led to the dramatic outcome of the First World War, with more than 10 million lives cut short and the devastation of a large part of Europe.

134. The idea of colonial empire, prompted by the industrial revolution, led to the partition of the world. The British Empire in 1914 comprised one quarter of the surface of the earth and approximately one quarter of its inhabitants. Africa had been broken into pieces. French Africa alone covered an area of more than 4 million square miles with a population of more than 30 million inhabitants. Belgium created the empire of the Congo. Germany, which arrived very late at the banquet of nations, none the less had its own little bit of Africa. Ancient civilizations, such as India and China, had been victims of colonialism, and at the end of the war in 1918 those injustices were not eliminated but a society of interests was created—the League of Nations, which maintained intact the colonial concept and added to it the infamous concept of

mandates, which is still giving rise to serious difficulties and troubles in the world.

135. The aim of the Charter of the United Nations was to erase all that past, to abolish power politics for ever, and to base itself on the equality of all nations, large and small, eliminating the ignominy of the colonial concept. It created, in Chapters XI and XII, as later specified in General Assembly resolution 1514 (XV), the machinery for the liberation of the colonial world. The Charter therefore consecrated, both in its Preamble and in its purposes and principles, the need to establish not only peace but the social and economic progress of peoples.

136. It gave a vote to each State, and kept open the admission to membership in the United Nations of new States, large or small, which might attain their independence. The principle of universality, although not explicitly stated, is a concept implicit in the spirit and the letter of the Charter, which tried to abolish the policy of domination and the differences between large and rich States and small and poor ones. The Charter also enshrined the democratic principle of giving majorities the right to decide, by granting one vote to each Member State.

137. None the less, it was not possible to erase the vestiges of the old power politics. The United Nations itself kept the distinction, which still exists, between Member States and "enemy States", despite the fact that those "enemy States" are at present Members of the United Nations. As the United States journalist, Paul Hofmann, wrote in *The New York Times* of 8 December 1974, the United Nations was originally "a club of the victors of World War II". This explains the existence of the veto, not only in the Security Council but also in the General Assembly, because any change of the Charter in conformity with Articles 108 and 109 requires, in order to enter into effect, ratification by two thirds of the Members of the Organization, including the five permanent members of the Security Council. A reform at this time might have 137 ratifications, but if a single one of the permanent members of the Security Council does not ratify it, it cannot enter into effect. I have never heard anybody call that the tyranny of the minority. For a long time the veto in the Security Council served to impede the admission of new Members. Until 1955, something like 17 States remained in the waiting-room, their admission blocked by the veto.

138. That leads me to refer to the powers of the Security Council, which is now trying to convert itself into something like a super-Power: Article 24 of the Charter is clear, because it states that in order to ensure prompt and effective action by the United Nations, its Members—that is, the Members of the United Nations, the Members that make up the General Assembly—confer on the Security Council primary, but not exclusive, responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility—in other words, with regard to the specific powers conferred on it—the Security Council acts on their behalf—that is, on behalf of the Members. The Security Council is obliged to submit annual and, when necessary, special reports to the General Assembly for its consideration, which makes it perfectly clear that the Security Council is a body on which the Mem-

bers that constitute the General Assembly have conferred its power and not the other way around, with the General Assembly being an advisory body of the Security Council.

139. It is frequently said that only the resolutions of the Security Council are of a binding character, which is to confuse the legal value of resolutions with the capability of imposing sanctions. Resolutions of the General Assembly are not, nor can they be, simply recommendations of good will, unless they refer exclusively to procedural questions. Many treatise writers, among whom I should like to mention in particular the representative of Mexico, Mr. Jorge Castañeda, maintain that the legal value of resolutions is determined by the legal value of the provisions of the Charter on which they are based. If the Charter is a multilateral treaty binding on all States which have subscribed to it and accepted its provisions, it has an undeniably binding character which must be complied with; and even part of the domestic or internal jurisdiction has been placed, by voluntary action of the States themselves, under international jurisdiction. The resolutions that are based on provisions of the Charter, that enlarge upon it and develop it, have a legal value which the Charter confers upon them independently of whether those who voted in favour of them are peoples of greater or lesser wealth, or with greater or lesser expanses of territory.

140. During the debate on this item it has been pointed out that some of the resolutions are not merely advice. For instance, some speakers have mentioned that it was not mere advice that was given to the Jewish Agency of Palestine in the resolution on partition which created the State of Israel. That was a resolution of the General Assembly [*resolution 181 (II)*]. It could be added that the resolution "Uniting for peace" [*resolution 377 (V)*] should be interpreted in the sense that the General Assembly was once again assuming its authority when the Security Council was rendered powerless by the veto, and that resolution has at least once been invoked. Could it be considered as simple advice or a mere recommendation? Resolutions on decolonization, on the strengthening of international peace and security, on friendly relations between States with differing political systems—could they be considered as simple advice?

141. On the other hand, one of the specific functions of the Charter, under Article 13, is to encourage the progressive development of international law and its codification. Could this be done only by simple counsels of good will? Therefore I stress that the resolutions founded on principles contained in the Preamble and in the purposes and principles of the Charter and in general on all its provisions have a legal value which the Charter has conferred upon them.

142. One of the assertions made on Friday last was that the Charter of the United Nations was designed to ensure that the important decisions of the Organization reflected real power relationships. This appears to be a pure and simple statement that the Charter is understood as an expression of power politics, which has sometimes been translated into the intention of creating spheres of influence. But the real intention of the original signatories was to reaffirm the concept of democracy based on the power of the majority. We wanted to create a democratic organization of the

international community, and it is incomprehensible that such an organization should delegate its decisions so that they are taken in the spheres of regional organizations to which Chapter VIII of the Charter accords specific functions. If all the problems were to be resolved by regional groups or by groups having similar ideas, the United Nations would have no reason to exist.

143. It is possible that there is a United Nations crisis, but in any event it is what may be called growing pains. In 1945 there were 51 founding States, among them my country, and a few European countries were not there—for instance, Ireland. Today the United Nations has grown to 138 Members. States from all corners of the world have come to it—States with different political and social systems. It was U Thant who saw that after 1960 the arbitrary division between East and West had lost all meaning in the face of the harsh fact of a north enriched by the spoils of the colonial economies and a south which, for the most part, had arisen from those colonial systems and which now claimed fair and just treatment in the political and economic areas.

144. It is my sincere hope that the paths of conciliation and understanding may meet so that simple juggling with words will not lead to serious divisions that threaten the very existence of the Organization. Division within the United Nations itself would obstruct this process of understanding, it would set the world on the way to confrontation and deprive the United Nations of its role as the organization of the international community for the maintenance of international peace and security.

145. The representative of the United States, Mr. Scali, in his address on Friday last, said something on which I should like to ask him to ponder, because it contains positive elements to lead us from this world of contradictions and misunderstandings. He said:

“A better world can be constructed only on negotiation and compromise, not on confrontation, which inevitably sows the seeds of new conflicts.”  
[2307th meeting, para. 107.]

I pray that reflection on understanding and negotiation may erase this unfortunate episode, so that the peace and co-operation we all wish to maintain may return.

146. In conclusion, I should like to state that my delegation will support draft resolutions A/L.748 and Add.1-6 and A/L.749 and Add.1, on the understanding that the views expressed by the delegation of Ecuador in the Sixth Committee on 3 October of this year on the compulsory jurisdiction of the International Court of Justice<sup>7</sup> are applicable to them.

147. Mr. NAÇO (Albania) (*interpretation from French*): The present session of the General Assembly has registered new triumphs in regard to the strengthening of the solidarity and cohesion of the developing countries, the growth of their responsibility and their role in the defence of their national interests and of the principles of the Charter. This session has given us a clear picture of the way in which these countries, through their common efforts and their determined struggle within the Organization against the policy of aggression and hegemony conducted by the two super-Powers, the United States and the Soviet Union, have

won new victories in the confirmation of their national rights. This session has shown the resolve of these countries to continue to make efforts to eradicate colonialism, neo-colonialism and racism, with a view to reinforcing their national independence as well as for the purpose of establishing a new order in international relations founded on respect for the sovereign rights of peoples, their freedom and their independence.

148. Clear evidence of this is also provided by the important decisions adopted during the present session, which are a reflection of the claims and the legitimate interests of peoples that have suffered for centuries from oppression and savage colonialist and neo-colonialist exploitation, of their high aspirations to self-determination and their liberation from this abhorrent yoke. At the same time they constitute steps forward towards the strengthening of their independence, their sovereignty as States and their complete control over their national resources and riches. The peoples are encouraged by these successes, which have strengthened their confidence in the struggle and in the common effort, as well as in the growth of their role in the solution of the major problems of our time.

149. On the other hand, this session has shown up the efforts of the imperialist Powers, and especially the two super-Powers, which are trying to defend their selfish interests and to maintain their domination over peoples as well as to maintain the old order of international economic relations based on exploitation and inequality. Once again it was possible to see clearly their attempts and their manoeuvres to maintain in power anti-popular and racist régimes and to preserve the threat of the tensions of war in various parts of the world. The attempts and the designs of these Powers have come up against the resistance of the developing countries Members of the United Nations, which have strongly opposed these attempts against their high national aspirations and their lofty national interests. This situation created at the United Nations, which is a serious obstacle to the realization of the imperialist plans and designs of these Powers, this new balance of forces established in the Organization, has aroused obvious concern and reactions on their part.

150. Last Friday's meeting of the Assembly [2307th meeting] was the most striking expression of this demonstrative reaction by the United States, which launched an open attack against the peace-loving Member States, which form the majority in this Assembly, and against the decisions taken by the Organization. It engaged in direct threats with a view to intimidating the Member States, dividing their ranks, diminishing the value of their responsibility and of the successes that they have achieved during the present session.

151. All these attempts by the United States and of the other imperialist Powers, their blatant threats regarding the future of our Organization and the blackmail of Member States by the great Powers have no other purpose but to intimidate the developing countries and force them to renounce their determined struggle in defence of their sovereign rights and to abandon their continued opposition to the policy of aggression, hegemony, oppression and exploitation.

152. We can all testify to the way, for years, since its inception, this Organization has been manipulated by the United States and has been used by it as an instrument of its aggressive policies. Suffice it to recall in this connexion the aggression of the United States against the people of Korea—where it continues to maintain to this day, and under the United Nations flag, its contingents of aggressive forces—and the involvement of the United Nations in other parts of the world under the American *diktat*.

153. For a long time the United States has dictated its will to our Organization. It has even gone so far as to shield its imperialist, aggressive policy behind United Nations resolutions, thereby imposing upon the peoples of the world its *diktat* and its exclusive right as a great Power to decide on its own how to deal with the most vital issues of the time, on the basis of its own imperialist designs and interests. One of the clearest proofs of the involvement of the United Nations by the United States in the violation of the principles and spirit of the Charter was its obstinate refusal, for more than 20 years, to recognize the lawful rights of the People's Republic of China in the United Nations.

154. With a view to implementing its policy of aggression and hegemony, the United States has flagrantly misused its right of veto and has rejected the just demands of peoples as reflected in the decisions of the General Assembly. It did so to bring under its protection the zionist aggressors in all of their criminal activities against the Arab peoples, to maintain the abhorrent domination of the white racists in South Africa and the policy of *apartheid* against the African peoples of Azania and Namibia. The United States veto in the Security Council blocking the exclusion of South Africa, contrary to the demands of the overwhelming majority of Member States, was a recent illustration of this and a further open challenge to these freedom-loving and peace-loving peoples, primarily the people of South Africa. This is further proof of the involvement of the United States as an accomplice of the racist régime in those countries in the savage racist oppression and in the application of the ignoble policy of *apartheid*.

155. These irrefutable facts show that it is precisely the United States which is continuously and flagrantly violating the resolutions and principles of the United Nations. The United States and the other imperialist Powers have long sapped our Organization of all its vitality and have never taken into consideration the interests of the developing countries. It is precisely they who, with contempt, have made certain that the decisions of this Organization remain a dead letter.

156. On the other hand, the Soviet Union is also trying to take advantage of the United Nations in the interests of its imperialist policies. By means of demagoguery and mystification it is attempting to impose upon States Members of the Organization the theses of its socio-imperialist policies concerning alleged "measures for disarmament", "international *détente*", "peaceful coexistence", and so on, in order to weaken the resistance of peoples and to disarm them.

157. The United States and the Soviet Union have attempted to use the United Nations and its corridors for the purpose of continuing their talks, their bargaining and their socio-imperialist plots against the

people. It is well known how these two super-Powers have attempted to confront Member States with faits accomplis following secret agreements made as a result of this counter-revolutionary collusion and contrary to the interests and sovereign rights of peoples. That is what happened last year with the agreement concluded between them concerning the cease-fire in the Middle East, an agreement which the United States and the Soviet Union sealed by a United Nations resolution, and which has enabled them to establish this situation of "neither peace nor war" in the region and to continue to play their role of arbitrators there.

158. All these actions have seriously affected the normal functioning of the United Nations. They have struck a hard blow at its prestige and its ability to make the contribution that it must make under the Charter. Several Member States have condemned the aggressive and hegemonic policy of the two super-Powers, their plots and their dark plans to work against the cause of independence and the freedom of peoples, and to establish a new partition and domination of the world, and have fought the tendency of these super-Powers to impose their *diktat* here.

159. The work of the present session has shown that the situation in our Organization has changed and that the United States and the Soviet Union can no longer hold sway over the United Nations as in the past. The number of new States that have joined the ranks of the Organization is increasing from year to year. The awareness of Member States has been heightened even further. Their struggle to implement their legitimate national aspirations and to exert further efforts against the activities of the super-Powers has been strengthened. This is entirely in line with the lofty interests and the aspirations of freedom-loving peoples fighting against imperialism, colonialism and neo-colonialism.

160. The Albanian people and its Government, which view with sympathy and always firmly support the struggle of the peoples of developing countries for their rights and against the policies and the attitudes of the imperialist Powers, led by the United States, and of the Soviet socio-imperialists, are convinced that freedom-loving Member States will continue, with increasing courage, their determined attempt to strengthen their role in this Organization and never to yield to blackmail or to threats from their enemies.

161. Mr. HOVEYDA (Iran) (*interpretation from French*): My delegation is a sponsor of draft resolution A/L.748 and Add.1-6, and will also vote in favour of draft resolution A/L.749 and Add.1. This is evidence of the fact that we assign a special importance to the question of the strengthening of the role of the United Nations. The length of the debate this year on this agenda item sufficiently illustrates the essential character of this question, and we must express our gratitude to the delegation of Romania for having brought this matter before the Assembly as far back as 1972.

162. My country, as a founding Member of the United Nations, has always affirmed its attachment to the principles of the Charter and considers the Organization an extremely useful element in the framework of international relations. We believe that this world forum, which is well on the way to becoming universal, provides an appropriate platform for each country to express its point of view and to make its contribu-

tion to the examination and solution of problems of world-wide interest. We have always supported the efforts of the Organization for the maintenance and strengthening of international peace and security as well as for economic development. In this regard the United Nations may well be proud of a large number of positive achievements. These have been cited by the speakers who have preceded me and I shall not repeat them. I should like to say, however, that any criticism that would seek to diminish the past or future importance of the Organization would be unjust or tendentious.

163. We must, of course, recognize that the list of actions of the United Nations is not only a series of successes. There are also failures. There is also the fact that a number of resolutions adopted with fairly substantial majorities have never been implemented. The piling-up of recommendations which remain dead letters certainly does not contribute to the strengthening of the Organization, but we must also recognize that the persistent refusal of certain delegations to accept any innovation in international relations is harmful for the future of the United Nations. Of course we could split into several camps and hurl accusations at each other over the present state of the Organization. In our opinion this would be a sterile and pointless exercise.

164. The questions raised during the present debate may be reduced to the following: What is the present stage of the Organization? Where is it heading? What are the positive and negative elements in the present situation?

165. At first sight, it might seem that we have strayed from the subject, but I do not believe this is so. Everything that has been said is connected in some way with the subject of the agenda item and the two draft resolutions before us. Indeed, any reflection concerning the strengthening of the role of the United Nations necessarily implies an evaluation of methods and results. But on hearing some of the arguments that have been developed, I think that we are losing sight of our goal, not because each argument taken individually does not deserve to be discussed, but because in dwelling on particular aspects we lose sight of the general picture.

166. A review of this type, to produce results, must, in our opinion, be undertaken with a clear outlook. The approach I have chosen was inspired by one of the great philosophers, of Islam whose autobiography has always impressed me. While attending the funeral of Averroës at Cordoba, this philosopher noted that in order to counterbalance the weight of the body of the master, which was being carried by a mule, his works were placed on the other side of the mule—on the one side the master, on the other side his works. It was upon this image that our philosopher meditated all his life, in order to see whether the hopes of Averroës had been fulfilled. Well, it is from this kind of standpoint that I believe we should contemplate our own problem. On the one hand our Organization with its methods, and on the other side the mass of resolutions adopted over the years. Do these resolutions really constitute a counterweight? I must confess at the outset that the reply is not as easy as it might seem at first glance.

167. Indeed, in judging the recent decisions of the General Assembly, both in regular and special sessions, we necessarily omit an essential dimension of every evaluation—the time factor. We must be chary of hasty opinions, since only time can prove us right or wrong. In this connexion, I should like to quote a personal example. I remember my first experience of the United Nations in 1948, during the adoption of the Universal Declaration of Human Rights. At that time, there were very many reservations. What is left of those reservations today? Nothing. And many ambassadors have, in the course of this debate, referred to the Universal Declaration of Human Rights as one of the major achievements of the Organization. Let us therefore recognize the strictly relative value of our judgements on the present, and let us attempt to consider this debate in all its dimensions, without omitting the time factor.

168. It is obvious that the recommendations of the Assembly—especially now that there are 138 of us to adopt them—cannot satisfy everybody. They are the result of compromise, bargaining, revision, long and harrowing discussions at meetings, closely argued consultations in private and so on. I do not believe that methods have changed much since 1948. What has changed is that we are now achieving universality. Membership in the Organization has almost tripled in less than 20 years. The number of items on the agenda has also increased to an incredible extent. The size of the Organization itself, as well as its specialized agencies, has swollen to a staggering degree. The majorities and the political and geographical groups have been altered. Little by little things have assumed a different aspect.

169. The question then is whether we, the United Nations, have changed or whether it is the world itself. The Secretary-General often says that the Organization is the reflection of the Member States composing it, and looking around us we see that it is indeed the configuration of our world which is being transformed and not the methods of the Organization. What has changed during the last decade, both here in the United Nations and in the field—to use a favourite piece of Secretariat jargon—is that it is no longer possible for a small group of countries, however powerful it may be, to take decisions for the whole human race without the participation of every other country on an equal footing. My delegation recalled this truth at the last two sessions of UNCTAD. We recalled it at the sixth special session of the General Assembly. Need it be repeated here now?

170. Those changes are reflected in the mirror of our Organization. Humanity, we are told all the time, is in a period of transition. We are told that one era is coming to an end and another era is beginning. How are the changes in the world not to affect our Organization? It is not because we are in what has been called "this glass house" that we can insulate ourselves from what is happening outside.

171. It is thus that, over the past years, the international community has been confronted with a new order of problems of dimensions hitherto unknown, and this in itself explains the hopes and the doubts which arise on all sides.

172. What is in fact the point at issue? Everybody agrees in emphasizing that never have we seen with

as much acuity as today the profound interdependence between nations large and small, rich and poor. I believe that in such a situation, in view of such interdependence, the only possible course for humanity is that of sincere co-operation in mutual respect. Any other choice would lead to a series of confrontations that would be as useless as they are dangerous.

173. But—yes, there is always a “but”—co-operation cannot be a one-way street; it must be desired and implemented by all. I stress this—co-operation must be and can only be unanimous. More than ever before, the Organization, which is the forum for discussion between all nations, is of primary importance because it offers the ideal context for promoting international co-operation. We must therefore strengthen its role.

174. As I listened to the speakers who preceded me, I think I detected fewer divergences—I emphasize this, fewer divergences—than points of agreement. Then I asked myself the following question: What is the real cause of opposing opinions when there are so many points of convergence in our thinking? I think that the answer resides in the simple fact that the problems we are dealing with are very diverse, not only in their magnitude but also in their nature.

175. Some of the questions that come before us are and have been on the agenda for many years; some of them go back more than a quarter of a century. We have accumulated a stack of resolutions relating to them, which have quite frequently remained unimplemented. Those questions have quite naturally fallen into decay. Some call for patience on the part of those concerned. But can we forget that those problems concern millions of human beings, beings of flesh and blood, who are continuing to suffer? Is it possible to say today as in the Middle Ages that God will always know his own? Can we erase from the minds of those concerned the fact that those problems tend to be perpetuated? Should we be surprised, therefore, that over a period of time those questions provoke impassioned reactions? Thus, instead of pompous speeches, we should make the necessary efforts to resolve the problems as soon as possible, so as to clear the air in the interests of our Organization.

176. There is another order of problems that is increasingly and quite rightly occupying centre stage. Here I am speaking of problems of an economic order. The need to close the growing gap between the industrialized and developing countries brooks no delay. We see the former international economic system crumbling everywhere. All of us agree on the need to establish an order based on equity, equality and justice. That is why we have had a sixth special session of the General Assembly; that is why we are going to have a seventh in 1975. In the case of those problems, the vital necessity for co-operation is even greater, but we must recognize that it is not easy to carry out the necessary changes from one day to the next. It is not easy with a single sweep to break the habits we have acquired.

177. Last April we began our dialogue; why not continue it? Why not accelerate it? No one—I know this—is fully satisfied with the results obtained at the sixth special session. The industrialized countries have mentioned this to us, but I am well placed to reveal today that the Group of 77, as it is known, was like-

wise not satisfied. But is this a reason for abandoning the task?

178. We must strengthen and multiply the consultation machinery and the opportunities for prior dialogue between the various groups that make up the Organization. The next special session of the Assembly will be held in September 1975. Why not start informal consultations as of January? Why not start those consultations as of 1 January? That would make it possible to avoid unnecessary confrontations and to resolve many conflicts of interest in an atmosphere of calm and serenity.

179. We have just adopted the Charter of Economic Rights and Duties of States and many delegations belonging to all the groups—and I do stress this, to all the groups—are not entirely satisfied with it and they have explained their positions. But the Charter contains a final article stating in particular:

“... a systematic and comprehensive consideration of the implementation of the Charter, covering both progress achieved and any improvements and additions which might become necessary, would be carried out and appropriate measures recommended.” [*Resolution 3281 (XXIX), article 34.*]

180. This is an important innovation. We are told that our world is evolving at an increasing pace. It is therefore not possible to elaborate perfect documents and to abide by rigid positions. One must always allow for possible evolution, and that is what this Charter does. This is an innovation that is very important in our work; this final article of the Charter, in my opinion, should become a constant feature in most of our decisions, because it is based upon realism.

181. Much has been said about realism in the course of this debate, and I do indeed believe that in a rapidly changing situation of the kind that we see in our present world, realism is the only logical course. Rigid or doctrinaire attitudes cannot coexist with such rapid changes as govern the situation in our world. But what is realism in that context? Is it realistic to call for the impossible? Certainly not. Therefore, problems must be stated with clarity so that possible solutions may be found for them. But, in doing this, we must distinguish between the ideal and the possible.

182. The ideal of the United Nations, as we see it in our delegation, is the creation of a world where all nations would be at the same level of advancement and where all peoples would benefit equally from the highest possible standard of living. Since such an ideal cannot be attained from one day to the next, we have to strive to reduce as far as possible the existing inequalities between the various peoples. But that practical and immediate undertaking must not cause us to forget the long-term goals and ideals built into the Charter of the United Nations. Realism consists of bearing in mind the gap between the ideal that we are striving for and whatever is feasible at any given moment. The founders of our Organization bore that dichotomy in mind in the Charter. Why should we act differently when we confront economic problems?

183. For two decades the United Nations has procrastinated over the essential problems of development. Was this a realistic attitude? Certainly not; at best it was a practical attitude, practical because it

postponed to the future the true solution of the problems.

184. There has been talk of the "mechanical majority", of the "rights of the minority" and who knows what else. Personally, I do not care for these terms. "Majority" and "minority" are parliamentary expressions, not categories belonging to the United Nations. We here are not a parliament. Here we have to try—and this is the purpose for which the Organization was created—to find in common—I stress the words "in common"—solutions to the world's problems. We must co-operate, discuss, exchange views and attempt finally to find solutions to international problems in all fields. To form a majority or act as a minority can lead to nothing constructive.

185. The resolutions of the General Assembly, and even certain decisions of the Security Council, are not binding in nature. This has been much repeated; but let us not forget the famous words of Oscar Wilde, who said: "Good resolutions are blank cheques drawn on a bank where one has no account." More than any other witticism of Oscar Wilde, this is extremely apt.

186. Clearly, if we wish our resolutions to be implemented, we must bear in mind the views of all. I am not talking about those of a minority or a majority, but the views of all, for, in the final analysis, the decisions of the United Nations must be approved by our Governments and by our parliaments. If one delegation has reservations, it is probably because its parliament cannot adopt the measure and it will not be implemented in that delegation's country.

187. Thus we arrive at the idea of unanimity and consensus. To be sure, as was noted the other day by the representative of Algeria [2313th meeting], these rules are not explicitly included in the Charter or in our rules of procedure, but they are becoming more essential than ever. So the question arises: Unanimity at what cost? Earlier, I suggested that co-operation could not be a one-way street. What are we to do if a number of Member States reject all compromise? We must not break off the dialogue, of course; but we must, nevertheless, understand certain facts.

188. I should like to point to the example of economic problems. If the industrialized countries are now experiencing difficulties—and no one denies that—the underdeveloped peoples, for their part, have been at the mercy of hunger, sickness and ignorance for centuries. We must not forget these facts of our time. There are the economic difficulties of the moment, but there are problems that have existed for centuries. If some feel that things are going badly, why do they not propose new procedures or new methods so that we can discuss them? We have done so frequently—and I speak for my delegation here—and we are ready to undertake any effort necessary to strengthen and improve the Organization. There is already a voluminous body of literature on the subject; let us read it and be inspired by it.

189. Recently, at a conference organized by a private foundation here in this country, these problems were discussed and various ideas were put forward. It was suggested that the election of the General Committee of the Assembly at the end of each session could

facilitate things by enabling the Committee to deal with various problems before the opening of the next session. I do not know whether this is feasible, but does it not deserve discussion?

190. It is not only at the delegation level that new procedures are necessary but also at the secretariat level. In the new world situation, a better and fairer participation on the part of all nations in the decision-making process is necessary not only within the Assembly but also within the secretariats. So far, however, we have contented ourselves with applying what I shall call the rule of the automatic geographical distribution of posts. What matters is participation in decision-making, not the number of a country's officials who are employed at the lower levels. And what I say is equally applicable to all the organizations of the United Nations system.

191. That leads me to remind the Assembly that, as part of strengthening the United Nations, there is an urgent need for better co-ordination of the over-all system and a more rational division of labour. These are matters that must not be neglected, because no matter how neutral it may be, a secretariat does influence the life and customs of an organization. It is of course also true that the quality of representatives and their goodwill affect the conduct of an organization's affairs. But how are we going to supervise everything that happens when the agenda grows longer and longer and the number of conferences is continually multiplied? I feel that better organization and co-ordination of secretariats could assist in this regard, by reducing the number of conferences and perhaps also by shortening our agenda.

192. This debate, in which almost all delegations have now taken part, seems to us to have been extremely useful. I would even go so far as to say that I am grateful to the delegations which started the ball rolling. In our view, something very constructive is emerging from this discussion. First of all, this discussion has reminded us that our Organization, despite all its limitations and all its failings, has in many instances done useful and valuable work. To recall the story of the philosopher that I mentioned earlier, the answer seems to be that many, if not all, of the resolutions of the United Nations carry weight.

193. Our discussion seems to me useful also because it has brought out a certain will to clarify, and if one thinks in terms of clarification one must also have in mind co-operation; and in turn co-operation means also the will to achieve practical results, acceptable to all. For that purpose, it is essential to seek at all times the greatest common denominator in any problem confronting us. To that search everyone must sincerely contribute the necessary efforts.

194. Co-operation can be based only on the goodwill of the participants, and it can proceed only in a spirit of equality and mutual respect. In that regard, the importance of prior consultations is obvious, and we must continue to devise new machinery to promote negotiation. We must give priority to solutions that are supported by all. That will not, of course, always be easy, but the challenge now confronting mankind compels us to spare no effort to strengthen the role of our Organization.

195. Let us therefore put aside heated discussions. Let us put aside endless arguments. Let us set about the only urgent task, which is to solve the real and specific problems. A dialogue between the various schools of thought in our Assembly must begin and must then be strengthened. But that dialogue must be accompanied by a dialogue about the future of our planet in general. The time for monologues is past.

196. In concluding, I can do no better than to quote the conclusions of the message sent by my Sovereign on 24 October 1974, United Nations Day:

“Our country will spare no effort to lend our support to the United Nations, in conformity with our obligations to the international community. We earnestly hope that this Assembly, the greatest in the history of mankind, will succeed in discharging its duties in regard to the peace, prosperity and welfare of all the peoples.”

197. Mr. AKHUND (Pakistan): As one of the sponsors of draft resolution A/L.748 and Add.1-6, my delegation had not intended to participate in this debate. The debate on the draft resolution, in itself not a controversial document, has, however, taken an unexpected turn and provoked a good deal of controversy and perhaps some heat. For its part, my delegation does not consider this discussion to be inopportune, and welcomes the occasion to state its views on the matters that have been raised here and that are often the subject of discussion also outside this Organization, a discussion not always fully enlightened about how and why we work as we do in the United Nations.

198. At this late stage, I shall state my delegation's views on some of these subjects as briefly as possible.

199. In the first place, dissatisfaction with the functioning and achievements of the United Nations is neither new nor confined to a particular group of countries. The reason why we are discussing ways of strengthening the role of the Organization in fulfilling the aims and objectives set out in the Charter is precisely that the role and functioning of the Organization are not what everyone would like them to be. In my own country the question is often raised of the effectiveness, sometimes even of the utility, of an organization which has so conspicuously failed to implement its own resolutions and decisions on the question of Jammu and Kashmir; which has similarly failed to bring about a settlement of the Middle East conflict seven years after the Security Council enunciated the outlines of such a settlement; which was helpless to enforce a cease-fire in the 1971 war between Pakistan and India even after 105 members of the Assembly had called for an end to the fighting; and which has had but a marginal role to play in times of real crisis.

200. The Preamble to the Charter depicts a world of ideals towards the achievement of which, as Member States, all of us, big or small, weak or strong, rich or poor, are expected to strive. As we frequently remind ourselves here, the Organization was set up to save succeeding generations from the scourge of war; to uphold fundamental human rights; to ensure justice and respect for international law; and to promote better standards of life for all in larger freedom. Yet the 29 years of its existence have been marked by war and upheaval, aggression and intervention,

and the constant aggravation of economic and social disparities between peoples and nations. The war in Viet Nam and Cambodia has been transmuted, not ended. In the Middle East the territories conquered during the 1967 war remain under occupation. The people of Palestine, deprived of their homes and of their homeland, are subsisting on international charity in refugee camps. In South Africa the régime of *apartheid* shows no signs of vanishing, but has rather become more firmly entrenched in the 30 years during which the United Nations has, year after year, made known the world's moral disapproval of the ideas it embodies and the cruelties it perpetrates.

201. Why is this so? How is it that a small number of Member States persist in policies so clearly at variance with the aims and objectives of the Charter and in defiance of the decisions adopted by the General Assembly and the Security Council? It is not because these decisions and resolutions are in themselves unreasonable or incapable of being enforced, or that they do not enjoy wide support. Many of these were adopted unanimously, others with overwhelming votes from all sides. Is it rather not because the offending States are under no real pressure which might induce or compel them to change their policies? They seem to know that the moral disapproval which all of us here express for racial discrimination, for the persistence of colonialism, for the acquisition of territory by conquest, is not likely in the present circumstances to be given tangible shape, notwithstanding the fact that the Charter does contain provisions for punitive or coercive action.

202. A dispassionate analysis of the way in which our Organization functions and of its shortcomings can be made only against the background of reality. We have been reminded of one aspect of the reality in the course of this debate—namely, that this world is divided between nations rich and poor, strong and weak, great and small. We are told, and we do not disagree, that the goodwill and willing co-operation of the Governments and peoples of the first group are essential to the effectiveness of the international Organization. On the other hand, it is also a fact that the poorer and weaker nations taken together include the vast majority of the earth's population and inhabit the greater part of the globe. To them, the rich and powerful, fearing perhaps for their privilege, power and comfort, often seem reluctant to change the existing norms, structures and relationships.

203. Nowhere is this fundamental conflict of realities more apparent than in the work of the United Nations organs in the economic field. Despite the obligation undertaken by Member States in the Charter, it took the United Nations more than 10 years even to acknowledge the necessity for a conscious international effort to advance the well-being of peoples in the less developed countries. The first United Nations Development Decade proclaimed in 1961 [*resolution 1710 (XVI)*] remained without much consequence in practice. The Second United Nations Development Decade was initiated through the unanimous adoption of a well-considered and carefully negotiated International Development Strategy for the Second United Nations Development Decade [*resolution 2626 (XXV)*]. Today, four years later, its goals, objectives and targets remain a distant promise. In fact, the level of net devel-

opment assistance to the developing countries from the members of the Organisation for Economic Co-operation and Development is lower today proportionately than it was when the International Development Strategy was adopted. Even the modest objectives agreed upon in the Strategy in respect of trade expansion, stable commodity prices and access to markets of the developed countries are still at the stage of leisurely examination and protracted debate. The developing countries, by and large, remain consigned to the role of supplying raw materials and primary commodities, while the profits and economic expansion accrue mainly to the industrialized nations.

204. In the face of this, is it surprising that these countries should seek strength in their numbers and in their capacity to unite in seeking redress? Who can blame them if they are no longer prepared to accept counsels of infinite patience and to wait on events somehow to remedy their situation?

205. The failure of the United Nations to respond to the imperatives of peace and progress is not the result of unrealistic decisions imposed by the tyranny of the majority. If on certain issues the nations of the third world vote in the same way—and let us remember that frequently they are joined by countries from other groups—it is not out of an unthinking sense of group loyalty, but because they see a common interest in doing so and because they support the larger purpose, which resolutions of this Organization, with all their imperfections of language and style, seek to fulfil. An impartial study of the voting record at this very session disproves the charge that there exists a “mechanical majority” divorced from the general global opinion and insensitive to political realities. The present Assembly has taken decisions on subjects that are highly charged with emotion. It is natural that there should be controversy over their substance and perhaps even over the manner in which the decisions were reached. We are confident, speaking for my delegation, that in time some of these decisions will be seen in better perspective and judged for the contribution they can make, and are intended to make, to the cause of peace and justice.

206. It has been affirmed that the chances of implementing the resolutions of this Assembly are diminished if these decisions are not supported by those Member States which possess the capacity to promote or prevent their implementation. We agree that the United Nations was designed to be, and that Members should indeed strive to make it, “a centre for harmonizing the actions of nations”. But pragmatism cannot be placed above principles; nor should power override the dictates of equity and justice. The rules of procedure and decorum cannot and should not be used as a barricade against change by those who have in their hands the preponderance of the world’s power and wealth. We would submit that the power they possess places upon such States a special responsibility actively to promote the aims and objectives of the Organization. We are not unaware that if they withdraw their co-operation from this Organization, and should they refuse to pay their dues or refrain from participating in its deliberations, the United Nations may indeed go the way of the League of Nations. What cause, one may ask, would be furthered by such a development? What purpose is served indeed

by holding out such threats? It is sometimes urged that it is the weak who need the United Nations; the strong can look after themselves. It is true that the weak have more reason to, and should be able to, look to the international Organization for security, for redress and for economic development. The truth, unfortunately, is that the Organization has not provided security against attack, nor redress of grievances, nor has it provided the major impetus to economic development. The strong look after themselves by using their strength. The result in the present century has been the two world wars which caused so much death and destruction. The possibility of a third such war, with its danger of total annihilation, is a warning that all nations have a vital stake in the achievement of the “common ends” to which Member States are committed by their adherence to the Charter.

207. The concern which has been voiced about the erosion of the prestige and public confidence in the United Nations is not misplaced. People everywhere—in this host country as also in mine—have been perplexed by the manifest inability of the United Nations to live up to the principles of peace, justice and morality enshrined in its Charter. Let us not confound them further by partisan debate and self-serving analysis. No one will suggest that rules of procedure should not be observed impartially and scrupulously; that courtesy or decorum may be dispensed with and tolerance or compromise discounted. But the real reasons for the inability of the United Nations to fulfil the hopes and expectations that were placed in it are more fundamental than any fault in the procedures and methods of work we adopt in these halls.

208. Where there has been a failure, it is the outcome of a lack of vision and foresight in pursuit of the common ends enunciated in the Charter. It is the consequence of attitudes which have placed partisan interest and immediate advantage above the purposes of the Charter and subjected the Organization to the pressures and vagaries of global power politics. We must all bear our share of responsibility for the shortcomings of the Organization, but, if I may submit, a special responsibility in this respect lies on those Member States which, through their greater power and capability, have been and are in a position to make the greatest contribution to promoting the aims and objectives of the United Nations.

*Mr. Lang (Nicaragua), Vice-President, took the Chair.*

209. The PRESIDENT (*interpretation from Spanish*): I should like, with the consent of the Assembly, to interrupt the debate briefly in order to provide an opportunity for the representative of Australia to introduce a corrigendum on behalf of the sponsors of draft resolution A/L.749 and Add.1.

210. Sir Laurence McINTYRE (Australia): I am most grateful to you, Mr. President, and to members of the Assembly for allowing me to intervene on behalf of my delegation to make reference to a corrigendum that has just been issued, which applies to the draft resolution in document A/L.749 and Add.1, entitled “Peaceful settlement of international disputes”, which I introduced at the 2307th meeting on 6 December under the item on the strengthening of the role of the United Nations.

211. As I stated in introducing the draft resolution on 6 December, the sponsors are hopeful that it will commend itself widely to members of the Assembly as a modest initiative aimed at encouraging Member States to consider the possibilities of the United Nations Charter for the peaceful settlement of international disputes by means such as fact-finding, conciliation, mediation and negotiation. We have been gratified, over the past few days, at the encouraging response by delegations to this initiative. During our consultations we became aware of a considerable body of opinion in this Assembly that the particular reference to "boundary and other territorial disputes" in the last preambular paragraph was not essential to the purpose of the preamble and that the reference could be deleted without detriment to the draft resolution, since such disputes would in any case be included in the general category of disputes.

212. We have therefore agreed to delete the words "including boundary and other territorial disputes" from the last preambular paragraph.

213. At the same time we have taken the opportunity to add the words "under the Charter of the United Nations" in operative paragraph 1, which now reads:

*"Draws the attention of States to the machinery established under the Charter of the United Nations for the peaceful settlement of international disputes."*

That addition fully accords, we believe, with the objectives of the sponsors of the draft resolution.

214. We also became aware in the course of our consultations that several delegations queried the necessity for the reference to particular resolutions in operative paragraph 4 of the draft resolution. The sponsors carefully considered this question but, in the event, decided to leave the paragraph as it stood. We should like to make it clear that our reason for doing so was simply that we regard the machinery set up under those resolutions as directly relevant to the draft resolution we are sponsoring. It goes without saying that we are not recalling resolutions simply for their own sake but because the subsequent history of the machinery set up them is relevant to the purposes of our draft resolution.

215. The sponsors hope that by making these small changes we shall have increased the general acceptability of the draft resolution, in particular its acceptability to those delegations which have taken a particular interest in it in recent days, and that, as a result, the draft resolution may attract the broadly based support for which its sponsors have hoped.

216. Mr. BOATEN (Ghana): Last week this Assembly was engaged in a debate on an item which my delegation considers crucial to the strength and credibility of this Organization. No organization can hope to continue to play the role for which it was established unless it is constantly subjected to scrutiny aimed at modifying its procedures of operation to reflect current changes and current realities. The object of the debates we have been holding on this item since it was first placed on the agenda of the General Assembly is precisely that.

217. During last week's debate statements were made which, legitimately, have caused some concern

to most delegations, including my own, regarding the future of this Organization and its role. My delegation nevertheless regarded those statements as part of a process of self-criticism, which is necessary if the United Nations is to remain the hope for mankind's survival and if it is to continue, in the words of the Charter, "to save succeeding generations from the scourge of war". It is, however, the view of my delegation that any such criticism of the Organization and its role would be an exercise in futility unless in the process we subjected our own behaviour and actions to the same microscopic scrutiny as that to which we subject those of others.

218. This Organization is 29 years old. During those 29 years it has gone through a number of phases. It has faced a number of crisis situations, and if it has not always succeeded in eliminating them completely it has at least prevented them from developing to destroy mankind. If its decision-making has not often been perfect, it is because the Organization is made up of States with their own interests, not always reconcilable with those of others. There was a time when decisions in this body were conditioned by the cold-war atmosphere which characterized international relations during the period immediately after the Second World War. During those years the use of majorities to support decisions, it is now opined, was one of the weapons employed in the Organization's decision-making process. We can now fully sympathize with those Member countries which in the past were victims of decisions taken by the employment of majorities of the time.

219. For many years the People's Republic of China was excluded from the United Nations because the nature of the majority at the time could decide, and decided, that the issue was an important one, requiring a two-thirds majority under rule 85 of the rules of procedure. It was difficult by any stretch of imagination to accept the contention that 10 million people represented a country with a population of 800 million. Yet year in and year out the issue was raised and rejected. One argument used for China's exclusion was that that country had waged war on the United Nations in breach of the Charter. What happened to the principle of universality of membership of this Organization at the time? Many years after the Organization had come into existence, matters relating to colonialism and South Africa's racist policy were regarded as the domestic affairs of the Member countries concerned and their discussion in this forum was forbidden under Article 2, paragraph 7, of the Charter.

220. The strange thing is that during all that period, when the majority in this Organization was employed in furtherance of the interests of certain Member countries, the United States public did not become concerned about the future of the Organization. It was not found necessary then to give further consideration to that country's role in this Organization. I am not blaming anybody for past shortcomings of the Organization, neither am I justifying present shortcomings, if any, by the Organization's past performance. I have merely presented the other side of the picture in the hope that it will enable us to see the total picture. I have done this because my delegation believes that any assessment based on limited facts or partial truth is bound to be faulty and unhelpful.

221. Over the period of the 29 years during which the Organization has existed it has grown in numbers, if not in stature. Its concerns now embrace a wide spectrum of issues reflecting the number of interests it is called upon to harmonize.

222. My Government subscribes to the principles of the Charter and upholds its goals. We should be the last to do anything to undermine it or frustrate its cherished intentions. The truth is, however, that the Charter, although the primary constitutional document of this Organization, is nevertheless a political document. It reflects the political realities of the time when it was drafted. Nor is this surprising, seeing that this Organization is essentially a political one. The document is not an end in itself. What is important is not the document itself but the political realities it is expected to serve. If the document does not permit the achievement of the political objectives its articles uphold and enshrine it becomes hardly worth the paper on which it is written.

223. In October this year this Assembly voted overwhelmingly to refer the question of South Africa's relationship with this Organization for consideration by the Security Council [*resolution 3207 (XXIX)*]. The Council acted promptly and was seized of the question. We listened to many statements cataloguing the many ways in which South Africa had, in the past and in the present, been in breach of essential provisions of the Charter. Although the draft resolution submitted at the end of the debate received the votes of a majority of 10 members of the Council this was of no avail because it was greeted with a tripartite veto, the first of its kind. That was in spite of Article 6 of the Charter which clearly stipulates that:

"A member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council."

224. Among other reasons given for the reluctance to make such a recommendation—reasons which my delegation finds unconvincing—is the need to maintain the universality of membership of the Organization. I asked earlier in this statement, was the universality argument not equally valid during the years when the People's Republic of China, a country with a population of 800 million, was excluded from the Organization? Where was the universality criterion when North Korea was denied observer status in the Organization?

225. In spite of all this my delegation would have been able to respect the position which the three countries concerned took in the Security Council on the South African question. Seen, however, against the background of the Byrd amendment, the decision of the British Conservative Government to sell helicopters to South Africa, the co-operation between South Africa and certain developed countries for the production of military weapons, we cannot help but seek reasons other than those given to us for the position taken.

226. In the view of my delegation, this Organization cannot be strengthened by apportioning blame for its shortcomings or by being sceptical about its role as the conscience of the international community.

This can only be done by sincere collective support for its goals and aspirations.

227. Since I now have this opportunity, I shall address myself briefly to some matters relating to the procedures of the Organization. Rule 31 of the rules of procedure provides for the election of a President and 17 Vice-Presidents of the General Assembly. These elections are conducted under rule 92 which states that:

"All elections shall be held by secret ballot. There shall be no nominations."

Since the rules of procedure were adopted, new realities have developed. These realities were recognized in the annex to resolution 1990 (XVIII) of 17 December 1963, which decided that:

"In the election of the President of the General Assembly, regard shall be had for equitable geographical rotation of this office . . ."

The annex also laid down the pattern of geographical representation. Since then, the operation of geographical groups in the procedures of the Organization has developed and become an established convention, and each year the group from which the President should be drawn has agreed on its candidate. This convention has tended to make elections of Presidents and Vice-Presidents a farce and a waste of time. My delegation proposes that consideration be given to amending rule 92 to take account of the realities I have outlined above. These observations apply equally to the election of chairmen and other officers of Main Committees, for the same reasons.

228. When the Swedish delegation intervened in this debate [*2307th meeting, paras. 149-161*], my colleague Mr. Olof Rydbeck proposed that the General Assembly elect its officers and constitute its General Committee at the close of the previous session of the General Assembly or at a brief session early in the year. My delegation is convinced that this proposal has a lot to recommend it and we wholeheartedly support it. Much is expected of this Organization and our procedures should not be allowed at any stage to hamper the expeditious discharge of our functions.

229. Mr. MILLS (Jamaica): In the opinion of my delegation it is very appropriate that the General Assembly should at this time give particular attention to the question of the strengthening of the role of the United Nations. Such an opportunity is provided by the item on the agenda which is now the subject of debate. The subject of the operations of the United Nations system and of the need to make it more and more effective is of the greatest interest to Jamaica, for we have an unshakeable belief in the role of the United Nations. The debate has been given a particular turn as a result of the strong expressions of concern which have been made, in particular by the United States delegation.

230. While we welcome any expression of deep interest and concern for the welfare of the United Nations system, my delegation cannot accept the proposition that the Organization is in danger as a result of recent trends and decisions. What we have seen and are witnessing today is a significant shift in interests and in influence in the Organization, and this is

having the most profound effect. To us this represents not a threat but a challenge—a challenge which provides opportunities for the improvement of the United Nations in the better interests of the citizens of Member countries; a challenge to the rich and powerful countries to demonstrate their continuing belief in the principles of the United Nations which they endorsed at the outset.

231. This shift was inevitable, and if it appears to be far-reaching it is because of the one-sidedness of the system and the relationships in the earlier stages of United Nations history. I hope that no one will deny the overwhelming influence of the major countries in the first two decades of the operations of the Organization and the use of this influence in their own interests. I hope that no one will question the fact that the concept of the United Nations itself, and the vision of what it might do, were the product of the values and the concepts of the day, set against the terrible experience of a world war. The inspiration, the humanitarian feeling displayed by many who participated in the founding of the Organization deserve the greatest commendation. But no one could give full expression in the Charter and in the United Nations to the feelings and the needs and aspirations of the large number of countries which were not in a position to join in the formation of the Organization. And no one could have foreseen the tremendous changes which have taken place over the last 30 years or imagined the extent of the contribution which the United Nations has made towards bringing about these changes. It can be said, therefore, that the changes which are taking place, some of which cause much concern to some among us, were in part the inevitable consequence of a number of forces, including the establishment of the United Nations. This should be the strongest argument for the continued existence of this body and for the conscious and continuous review of its role and functioning with a view to strengthening it to meet emerging needs.

232. A major element in all of this has been the dramatic increase in the membership of the United Nations over the past 12 years. With this has come a shift in interests and in concerns, and a great strain has been placed upon the Organization as it has attempted to cope with this. Let us look a little more at the question of influence and the changing patterns of power. Majorities or minorities can be counted in different ways; we can count heads in the sense of the populations of Member countries; or we can count heads of State; or we can count dollars; or we can count weapons of war. In each case we would arrive at a different position in terms of actual or potential or relative influence. We could be speaking of political power or influence in general, exercised bilaterally and in others ways; we could be speaking about economic influence—again exercised in a number of ways; or we could be speaking about military power with all that that entails. But by any measure, we are very far away from a world in which the third-world countries have established equality or supremacy in international affairs.

233. Certainly, in the United Nations these countries have come to exercise a much stronger influence than they did before, and this is as it should be; but even within the United Nations system there are ways

open to the exercise of influence which still give considerable advantage to the more powerful Members. There are institutions, which form a part of the United Nations system, which confer particular influence, for example, through the voting system, on the rich nations; there is the veto in the Security Council; and there are other devices.

234. My delegation feels that it is an over-simplification—to say the least—to regard the third-world countries of the United Nations as a monolithic bloc or an “automatic majority” operating in unison. It is quite true that on certain basic issues there is a strong bond of common interest between these countries, and this is the inevitable result of historical and other circumstances. The broad aim of these countries is the removal of certain built-in constraints, biases and injustices in the international political and economic system which have operated very much against their interests. The non-aligned movement arose out of all this. However, on many issues there is a wide diversity of view and of circumstance among third-world countries, and this is reflected in the different positions which they take. It is entirely possible that, as the old injustices are removed and these countries take their full place in the international system, this diversity, in combination with the universality of the United Nations system, will add a special flavour and provide a considerable stimulus to the Organization. But we hope that these countries will retain their firm belief in certain fundamental principles and their strong determination to prevent the perpetuation or the emergence of serious inequalities and inequities.

235. Students of history and of international affairs have already been focusing attention on the performance of the United Nations and of individual countries and groups of countries in the system. More and more it will be possible to look at this in perspective and to try to judge the extent to which political influence and other forces were exercised with positive as well as negative intentions. Later, perhaps in 10 or 20 years, observers will look back at this present time and will make their judgements. I can safely say that if the United Nations ever becomes static in terms of issues, relationships and the play of influence, then, I think, there would be cause for concern about its future.

236. The process of decolonization and the growing realization of the need for fundamental structural change in international economic relations have set the stage for the present operations of the United Nations system. The issues which now command more and more of our attention include the various economic crises, the establishment of the new economic order, the devising of a system for sharing the benefits of the sea-bed, the control of the environment in the interests of the people of the world and the removal of the final vestiges of colonialism. We seek to provide safeguards for countries against interference in their internal political and economic affairs and to make a reality of their right to permanent sovereignty over their natural resources. The institutional machinery of the United Nations system is not by any means well adapted to these new requirements, and one of the major tasks facing us at this moment is the adaptation of that institutional framework. This is surely one of

the best ways of strengthening the United Nations system and ensuring its future effective operation.

237. In the face of these important tasks, my delegation sees the need for the United Nations to move into an era of negotiation and for the establishment of attitudes, conditions and procedures that will facilitate such negotiations. We acknowledge the principle of interdependence. But we view negotiation and interdependence on a basis very different indeed from that of the past. And it is on the basis of this new view that we must proceed.

238. My delegation would like to assure those countries which feel despondent about the future of the United Nations and their role in it that their fears are of their own making. In the new era into which we are moving, we shall need the co-operation and the ingenuity and inventiveness of all countries. The United Nations must adopt a creative and practical approach and, if it is to succeed, it will require the fullest support from all Member countries. In this context we should acknowledge the contribution that has been made by the United Nations in many spheres. We should acknowledge the contribution made by the founding Member countries of the United Nations, and particularly the developed countries. We must recognize and acknowledge the changes in values and relationships and the changing roles of individual countries and groups of countries which must inevitably follow. We must acknowledge the significant contribution of developing countries to the development of the Organization. Those countries which have certain obvious material advantages will have perhaps an even greater role to play in the future than the one they have played in the past; but this role will not be based on the same assumptions and the same relationships as existed in the past. My delegation believes that those countries have much to gain from the new role open to them, perhaps in a sense far more than they may have gained from the exercise of power and influence in the old way.

239. Part of the requirement of this new era will be that there shall be a wider understanding, by the citizens of Member countries, of the issues with which the United Nations will be dealing. This will require, on the one hand, a much better system of public information within Member countries on United Nations affairs and a greater involvement, on the other hand, of operational personnel from government agencies in Member countries in the negotiations taking place in United Nations bodies. In the case of the larger and more powerful countries, which still have a great capacity for advancing the cause of the United Nations or for retarding it, it is evident that a need for better public information and understanding is particularly vital.

240. My delegation sees this as an opportunity for reaffirming our faith in the United Nations system and our determination to work with all other countries to keep it a relevant and effective Organization in the interests of the people of the world, and so we support the views and the proposals advanced in draft resolution A/L.748 and Add.1-6, of which my delegation is a sponsor. We also endorse the steps taken in the Sixth Committee to move towards a review of the United Nations Charter,<sup>8</sup> for in our view it is of the first importance, particularly after one generation, that

we should seek to ensure that the Charter truly reflects at all times the interests of the international community and provides an adequate framework for pursuing these interests.

241. The PRESIDENT (*interpretation from Spanish*): Before calling on the next speaker, I should like to announce that Colombia has joined the list of sponsors of the draft resolution in document A/L.749 and Add.1. I should like also to confirm that Jamaica and Uganda are sponsoring draft resolution A/L.748 and Add.1-6.

242. Mr. ZAHAWIE (Iraq): Any consideration of the question of the strengthening of the role of the United Nations must be firmly based on the purposes and principles of the Organization set out in the Preamble to the Charter and further developed in Article 1. If those purposes and principles were to have any meaning and effectiveness, surely the Preamble and Article 1 should be accepted and considered in their entirety. An attempt should be made to demonstrate at least the fact that our aim is to observe all the provisions of Article 1 and to co-operate towards their attainment. It would not do to quote paragraph 4 of Article 1, as some delegations have done, exhorting the United Nations "to be a centre for harmonizing the actions of nations in the attainment of these common ends" and at the same time to pass over in silence paragraphs 1, 2 and 3 of the same Article, which define those ends. Similarly, it is unrealistic of those delegations to call upon the Assembly "to practise tolerance and live together in peace with one another as good neighbours" while the Organization is confronted with highly explosive situations where all the other basic principles of the Charter have been ignored since the United Nations was established and continue to be daily and openly violated.

243. If the potential of the United Nations as an instrument for international co-operation is threatened, if its effectiveness is curtailed and its credibility eroded, it is exactly because in certain glaring instances the most basic principles, to which the United Nations ostensibly owes its *raison d'être*, have been arbitrarily disregarded or systematically and massively violated over too long a period of time. The areas where those violations were perpetrated not only have now become the most important, the most controversial and the most vexing issues of our day but are also the festering wounds which poison the international body and threaten international peace and security.

244. It is indeed sad and unfortunate that the representatives of the Western Powers should single out for their concerted attack Assembly actions concerning the very issues where the purposes and principles of the Charter have been grossly violated. Those actions of the Assembly were not self-centred; they dealt not with narrow national interests of one State or the policies of any group of States but rather with the fundamental principles of the United Nations: namely, the inalienable right of self-determination of peoples and their human rights and freedoms without distinction based on race or religion.

245. It is highly ironical that the Western representatives who attacked the Assembly's actions on Palestine should speak of the "numerical majority of the day" representing "only a small fraction of the people of the world, its wealth or its territory". They

reminded us that the Assembly was not a legislature, that a legislature passes laws, while the General Assembly can only adopt recommendations. We were lectured to the effect that it is of fundamental importance that the provisions of the Charter should be adhered to, that the Charter entrusts a clear and essential role to the Security Council. We were told that any infringements of the Charter must reduce the authority of the United Nations as an organ of world law and government. We were further told that if the will of the majority is to command respect it must be exercised in accordance with basic legal and constitutional requirements.

246. How empty, how hypocritical those admonitions sound to anyone who knows the reasons why the United Nations today is still seized of the question of Palestine, to anyone who knows how all those high-sounding principles of respect for the Charter and adherence to its rules were expediently forgotten in Palestine, how the West's actions then made a mockery of all that they preach and expect us to do today. What provision in the Charter entrusts the General Assembly with the right to partition a country? What provision empowers the United Nations to create a State? What Article in the Charter bestows upon the United Nations the right to take such action in spite of the bitter opposition and the armed resistance of the overwhelming majority of the indigenous inhabitants of that country? And what provision in the Charter authorizes the United Nations to assign any part of the partitioned territory to a religious minority of alien immigrants?

247. Other speakers have already referred to the illegal and iniquitous resolution by which the General Assembly recommended the partitioning of Palestine. The events which paved the way for the voting on that resolution have been vividly described in the writings of, among others, Mr. Carlos Romulo of the Philippines and Sir Zafrulla Khan of Pakistan. It is sufficient for me here to quote only one sentence from the diaries of the late James Forrestal, then Secretary of Defense of the United States, since what he had to say is highly pertinent to the questions raised by the representative of the United States during this debate. In *The Forrestal Diaries*, the following entry by the late United States Secretary of Defense appears:

“...the methods that had been used ... to bring coercion and duress on other nations in the General Assembly bordered closely on to scandal.”

248. When the Assembly was considering the question of Palestine in 1947 there was one vote taken which is now all but forgotten but which was perhaps the most crucial of all, since what came later was the result of that one vote. The Iraqi delegation, together with the few other Arab delegations that were in the United Nations in 1947, requested the General Assembly several times to refer the legal issues affecting the Palestine question, including the question of the competence of the United Nations to recommend or enforce any plan of partition of Palestine, to the International Court of Justice for an advisory opinion. But the political forces which were then attempting to secure a favourable vote on partition were not anxious to have their efforts hampered by an adverse judicial ruling. They were able each time to vote down every proposal to refer the issue to the International Court.

When the question as to whether the United Nations had any legal authority to partition Palestine was put to the vote in the *Ad Hoc* Committee on the Palestinian Question,<sup>10</sup> the resolution to the effect that it had the authority was passed by 21 votes to 20. May I remind those who now speak of the tyranny of the majority that the Members of the United Nations in 1947 were 57. Only the 21 who cast their positive vote were satisfied that the United Nations had the authority to partition Palestine; and 32 Members, who constituted the real majority, were not satisfied. Yet, in spite of that, the General Assembly went ahead and partitioned the land.

249. How right Mr. Scali was when he stated before this Assembly that:

“Lapses by the United Nations, on the other hand, are long remembered and remain a source of lasting grievance for those who feel wronged.”  
[*Ibid.*, para. 126.]

250. Palestine and South Africa are the two glaring examples of such lapses. Fairness would seem to demand that the political pressures used in effecting those lapses should now be matched by an equal pressure to redress the wrongs and the damages done. But that, in fact, is not being done. The victims of those wrongs have nothing like the forces and the support which the wrongdoers have at their disposal, to whose defence the Westerners rally even though the victimizers hold unparalleled records in their defiance of the United Nations and their flagrant violation of its principles and resolutions.

251. It is not only the General Assembly that has become the target of the concerted Western attack. UNESCO, too, is being subjected to a barrage of accusations and denunciations because it dared to refuse to aid and abet Israel in its campaign to destroy the historical Holy City and to Judaize the whole of Jerusalem. I am compelled to quote in this context the words of the two officials most directly concerned with UNESCO. One has to go to sources other than the American press for the views expressed by these two officials. For what they had to say was obviously not to the liking of the Zionists and their supporters and therefore, to my knowledge, unfit to publish in *The New York Times*. *The Times* of London of 23 November had this item:

“In an article in *Le Monde* this week, M. René Maheu, the former director-general of UNESCO, analysed the Arab case against Israel's alleged attempts to modify the historic character of Jerusalem. In his opinion, the changes made since 1967 in the Old City were serious and, if pursued, would be a death blow to the personality and charm of the city.”

252. Mr. Amadou M'Bow, the present Director-General of UNESCO, had this to say, according to the *Times* of London of 7 December:

“There has been reference to the ‘politicization’ of UNESCO, as if the agencies of the United Nations system had not in fact been born of a political determination to found a just and durable peace.

“The delegates to the General Conference are government representatives. It is natural that the

problems which perturb the world today should find an echo there."

253. Interestingly, at the moment that UNESCO was being denounced here in the Assembly, on Friday morning, a film was being shown in the Dag Hammarskjöld Library on Israeli practices in the occupied territories; and that film was being shown at the request of the Special Political Committee. Not one representative from the Western countries that had denounced UNESCO was present at that showing. There was another film shown on Jerusalem, in particular, last Monday afternoon. Again, I did not see any representatives of Western countries at that showing. One begins to wonder whether that was an official boycott of the showing of these two films.

254. The same issue of *The Times* of 7 December, which I have just quoted, by coincidence had another interesting item on what was going on in Jerusalem. It was a small event that took place but it illustrates what in fact is happening there. It said:

"Statue of Christ moved out of sight in Jerusalem:

"A controversial statue of Jesus has been moved out of sight of Jerusalem and turned to face away from the Old City after a long verbal battle between Polish Catholic nuns, Jewish religious zealots and the municipal authorities. . . .

"The 12-foot statue by an Arab sculptor has had a stormy history. While it was standing in his garden on the Jerusalem-Bethlehem road awaiting completion, it was attacked by vandals, who apparently used ladders to reach the head. The nose was smashed and other damage done.

"This came after complaints made by religious Jews, who object to 'graven images'.

"It was because of this that the statue was moved to the orphanage on the Mount of Olives in July last year. The nuns were told that they should not have put it up without a permit. . . .

"They have now done so". That is, complied with the city regulations. "Instead of standing with arms outstretched over the city, the statue in white stone has been moved to a shaded and cloistered area not far away. To make sure that it is not visible from outside, the stone wall of the orphanage is to be built up by almost 3 feet."

One the one hand, a statue of Christ has to be hidden because it does not follow the regulations of the Zionist occupying authority; while, on the other hand, the whole city itself is being strangled out of existence.

255. We were told by the representative of the United States that:

"As the twenty-ninth session of the General Assembly draws to a close, however, many Americans are questioning their belief in the United Nations. They are deeply disturbed." [*Ibid.*, para. 117.]

He also went on to say that:

"Neither the American public nor the American Congress believes that such actions can be reconciled with the spirit or letter of the United Nations Charter. They do not believe that these decisions are in accord with the purposes for which this Organization was founded." [*Ibid.*, para. 128.]

256. It is worth noting that the twenty-ninth session of the General Assembly was, from the very beginning of the session, the arena of American threats and accusations. Be that as it may, for our part, my delegation agrees with what was said by the representative of Kenya this afternoon [*see paras. 76-95 above*]. We do not believe that the American public is given the opportunity to know the facts behind those issues, especially on the Palestine question. If all the facts were made available, the American public would be even more deeply disturbed—at least as deeply disturbed as they were when the facts on Viet Nam came out.

257. As for the United States Congress, statements have been made by Senator Fulbright, the Chairman of the Senate Foreign Relations Committee, and by General Brown, the Chairman of the Joint Chiefs of Staff, on the subject of the subservience of that Congress to Zionist pressures. It is not necessary for me to quote them here, they have caused enough of a furore in the American press. I should like to quote, however, a distinguished predecessor of Mr. Scali's, Mr. Charles Yost, who was the Deputy Permanent Representative of the United States to the United Nations from 1961 to 1966, and then the Permanent Representative from 1969 until his retirement in 1971. In his book, *The Conduct and Misconduct of Foreign Affairs*, published here in 1972, Mr. Yost states on page 40 the following:

"Another form of disorientation of foreign policy arising from domestic factors might be mentioned in conclusion: the effect on policy of a powerful pressure group or lobby acting in most cases in what it claims to be the national interest but in fact inspired and stimulated by the interest of a particular foreign government with which the pressure group has emotional or economic ties. Outstanding examples of this phenomenon would be, in the United States, the so-called China lobby, already mentioned; the related group which staunchly supported Diem in Viet Nam and enabled him to defy for so long official U.S. pressure for political and economic reform; and most successful of all, the highly organized and well-endowed pro-Israel lobby, activated and directed whenever the need arises by the Israel embassy in Washington, which is able almost overnight to mobilize Congressional majorities for any bill or appropriation favorable to Israel."''

Then speaking of other interests that exercise leverage over the foreign policy of the United States administration, Mr. Yost continues:

"In a similar way, at the end of 1971 a chrome lobby was able to induce the Congress, with only perfunctory administration opposition, to repeal the ban on chrome imports from Rhodesia, despite the fact that doing so involved a breach of our treaty commitments to the United Nations, further fractured United Nations sanctions against Rhodesia, and gratuitously concentrated against the United States the frustration and anger of the Black African nations."''

258. Mr. Yost's considered opinion in fact served to clarify the true nature of the dissatisfaction of the United States Congress with the United Nations. The American Congress obviously resents the fact that

the General Assembly is not swayed by the same forces that appear to operate so freely in Washington.

259. My delegation had hoped that the Assembly would hear some constructive proposals during the course of this debate on the strengthening of the role of the United Nations. Instead, the Assembly was drawn into an exchange of threats, accusations, and recriminations concerning the Assembly's actions on Palestine and South Africa. Significantly, the situation both in South Africa and in the Middle East has gravely deteriorated since the United Nations and the Security Council in particular have become increasingly reluctant to undertake any action towards an effective implementation of United Nations decisions and resolutions. The defenders of the racist régimes—one in Pretoria and the other illegally established in Jerusalem—have obstructed the actions of the Security Council to the point where it appears to have totally abdicated its responsibilities. By 1972, we had a permanent member of the Council abstaining on a mere condemnation of *apartheid*, and another permanent member of the Council vetoing a condemnation of an Israeli act of aggression undertaken as reprisal, which the Security Council had decided—as long ago as 1948, when Israel first sought to assert its so-called right of reprisal—to be impermissible. Thus, the United Nations, unable until now to prevent aggression is now unable even to deplore it. It is small wonder that the aggressors are encouraged to continue in their aggressions with even greater ferocity and persistence.

260. In concluding, I wish to make the two following remarks.

261. First, the United Nations possesses extensive powers under the Charter to ensure respect for and implementation of United Nations decisions and resolutions. The Security Council has not attempted until now to exercise effectively its responsibilities under the Charter. Unless and until there is such an attempt to ensure respect for and compliance with its decisions in accordance with the principles of justice and the Charter, there is little if any chance of strengthening the role of the United Nations.

262. Secondly, I wish to conclude with the opinion expressed by the late Dag Hammarskjöld in the introduction to the annual report of the Secretary-General on the work of the Organization from 16 June 1960 to 15 June 1961:

“Those whose reactions to the work of the Organization hamper its development or reduce its responsibilities of effective action may have to shoulder the responsibility for a return to a state of affairs which Governments had already found too dangerous after the First World War.”<sup>12</sup>

263. Finally, I wish to announce that my delegation has decided to become a sponsor of draft resolution A/L.748 and Add.1-6, which was so ably presented to the Assembly by the representative of Romania.

264. Mr. de GUIRINGAUD (France) (*interpretation from French*): The scope of the debate which was initiated last Friday shows how timely it was. Speaking once again, for which I beg the Assembly to forgive me, and as one of the last speakers, I should like to pay a tribute to all the speakers from all groups who have kept the debate at such a high level, a level

commensurate with a subject as all-embracing and of such outstanding importance. Our colleague, the representative of Indonesia, noted that it was healthier to speak up about possible differences of view than to murmur in the corridors, but I am also happy to agree with the representative of Iran that our proceedings have in fact revealed many views held in common.

265. The principal topic of our debate has been the relationship between the majority and the minority. The French delegation, which has listened carefully to the comments of all concerned, would venture to remind the Assembly that we referred to no group. All we did was to note the existence of the economic problems facing the present majority, a fact which did not exclude the emergence of different majorities according to the subject.

266. Comparisons have been made between the composition of the former majority and the one that now exists. The discussion on this point has struck me as not very convincing. I shall confine myself to noting that the majority and the minority of the 1950s were living in a state of cold war; the United Nations of 20 years ago was a partially blocked and not very representative Organization, excessively dominated by the aftermath of the Second World War. We can and we must do much better today.

267. We can and we must, first of all, because thanks to the admission of several dozen countries, essentially from the third world, the United Nations has become universal; secondly, because many problems of which the initial group of Member States was not even aware have now emerged with full force; lastly, because *détente* should help to facilitate dialogue.

268. Rather than trading accusations concerning the dictatorship of the majority and minority, let us rather strive to organize our relationship in a constructive spirit, irrespective of the geographical groups to which we belong. If I have understood them correctly, that is what most earlier speakers have been asking us to do.

269. Need I repeat that my delegation welcomes the active and fruitful participation of the group of non-aligned countries and of the group we call the Group of 77 in the discussion of problems of all kinds which it is the business of the United Nations to debate? I have already stated [*ibid.*, paras. 57-81], that the United Nations is a political forum, which is not only useful but also necessary. The majority and its leaders legitimately voice their concerns, thus assisting other States to take cognizance of their problems, which then become those of the whole community.

270. I also said that the development of a more and more interdependent world has made multilateral diplomacy more and more important, which implies, *inter alia*, increased importance for our own Organization also. I also proposed a more precise definition of the objectives set in the Charter to organize our interdependence by harmonizing our interests. Whatever reservations may have been expressed about this or that activity, all earlier speakers have in fact recognized this same necessity.

271. I shall not go back to criticisms of the methods used to usher in a new international economic order. We abstained in the voting on the draft of the Charter of Economic Rights and Duties of States, and we had

to vote against a number of articles which we could not regard as reasonable. This was a position that we took with great regret. This position was not dictated by a concern for our interests, but rather to preserve rules without which no order, be it called old or new, could possibly last. Any economic order presupposes the participation and hence the support of all economic institutions, whether of the State, of producers, of consumers or of potential investors. How, in such a context, could there have been a large majority that refused to agree that "States taking measures in the exercise of the foregoing rights"—*inter alia*, the right of nationalization—"shall fulfil in good faith their international obligations"? [A/9946, para. 18 (a).]

272. Are there to be no obligations in the world of the future? Are States in search of investments essential to their development thus to discourage, in a manner contrary to their obvious interests, the possible influx of capital? This is just one example taken from among others, and it illustrates *a posteriori* what I was saying last week.

273. We refuse to go along with certain extremist positions, but this does not prevent France from always being ready to listen to everything that is said here and to respond to proposals from each of our partners and to participate sincerely in the conclusion of agreements corresponding to our common interests.

274. Our exchanges of view must be frank, continuous, open and as free as possible. I ask, in this connexion, whether it is reasonable that we should be asked to adopt decisions which have been formulated outside our community, as we are often asked to do. Some of the great Powers sometimes feel themselves to be above our contingencies, but I would ask them not to neglect dialogue, which is so essential.

275. I have noted with much interest that all the preceding speakers have recognized the usefulness of a continuous concertation. I reiterate my appeal of last week that the majority should foster the adoption of methods of frank and objective discussions and promote such a joining of our efforts. Today I should like to express the certainty, or at least the lively hope, that this appeal will be heeded. There are indeed duties of solidarity.

276. I understand all the more, therefore, that the European Economic Community and the Western world in general, in a sense, face identical problems. I affirm, however, that a higher solidarity must prevail and recommend that on decisive points we take no ideological or partisan position which might fail to recognize the more and more interdependent nature of our planet.

277. The concerns that I voiced on 6 December referred above all to the future of our debate, whether it should be about politics or economic problems. I recognized, and other delegations have done the same since, the limits imposed by the sovereignty of our States, but I did not dispute the quasi-parliamentary nature of our Assembly, or the scope or the legitimacy of its debates. The debate that we had on Palestine was approved by France, which, on this item as on others, has always felt it its duty to take the facts into account. I also stressed the distinction that should

be made between the jurisdiction of the Assembly and that of the Security Council.

278. Some speakers have criticized the right of veto and the superannuated attitude and style of the permanent members of the Security Council. I cannot agree with their comments, which might lead to a dangerous confrontation between two essential institutions of the Organization.

279. As regards the more recent scope of our major economic discussions, may I say in passing that the French delegation would prefer no longer to be put into the situation in which it found itself last April when, on a mere point of order, it was prevented from defending two draft resolutions because everything had to be sacrificed to the proposals of the majority. Mr. Rahal told us at the 2308th meeting that nobody wished to stifle the voice of reason; I take note of that with pleasure.

280. The economic sphere is that which requires the closest attention and the most work from us. Our position on the role of the Organization is perfectly clear, and I can only quote the ambitious programme proposed on 23 September by the French Minister for Foreign Affairs when he said:

"The United Nations . . . is particularly qualified . . . to arrive at a truly 'integrated' concept of our planet's economy." [2238th meeting, para. 152.]

281. Several of the preceding speakers have stressed that the world has greatly changed since 1945. No one is more aware of it than I; no one has more faith than I in the considerable role that the Organization has played in ushering in these changes and in the gestation of the new balance that is now imposing itself upon us. *Détente*, decolonization, the dawning awareness of new economic realities—these are all major movements of our time to which the United Nations has made substantive contributions.

282. The fact that the press—not only in this country—or certain sections of world public opinion, do not see or understand does nothing to change facts that will go down in history and which my own Government has fully recognized. The Organization can and must play its role, which is irreplaceable. It stands in need of the efforts of all its Members—the more recent as well as the older ones; those who founded the United Nations in a magnificent burst of realistic generosity are still essential to the Organization.

283. I am most sincerely grateful to Mr. Driss for quoting yesterday what was in many respects a remarkable statement by Adlai Stevenson describing the forum of the United Nations as ". . . our natural habitat, and if we have the nerve to go ahead, if we have the stomach for the test of the open society, if we have the courage to build, even that which is not perfect . . ." [2314th meeting, para. 194].

284. France wants to remain a young country, open to change and ready for the adaptation and the dialogue that our age requires. This is why we also have faith in the United Nations, as we reaffirmed in the communiqué issued at the conclusion of the talks between President Giscard d'Estaing and General Secretary Brezhnev. We will continue to give our support to the United Nations, when it contributes to the changing

of the structures and mentalities of our world as much as when it devotes itself to the defence and maintenance of peace.

285. The debate that is now drawing to a close will certainly have been one of the most useful of this session. I believe it will have enabled us better to delineate our responsibilities and our opportunities, but also our respective obligations. This debate has taken place at a time when the international community is concerned with a far-reaching economic crisis and a deplorable decline in development assistance, which may become still worse before our Governments have time to reach agreement on the necessary reforms. Let us hope that this concern will act as an incentive; let us hope that this faith that we have reaffirmed in the United Nations will enable our future sessions and, above all, the seventh special session, which will precede the thirtieth regular session, to be fruitful, in that atmosphere of understanding and co-operation that must never cease to prevail in our debates.

286. The PRESIDENT (*interpretation from Spanish*): I call on the representative of India, who wishes to make a brief statement on draft resolutions A/L.748 and Add.1-6 and A/L.749 and Add.1.

287. Mr. JAIPAL (India): My delegation has asked to speak to explain its position with regard to the two draft resolutions before this body.

288. We shall vote for draft resolution A/L.748 and Add.1-6.

289. As regards the other draft resolution, that in document A/L.749 and Add.1, which was introduced by the representative of Australia, we see that it is entitled "Peaceful settlement of international disputes". That is clearly a most important subject and is therefore deserving of the most careful consideration. We have read that document very carefully and we find that the draft resolution sets out the different methods of peaceful settlement available under the United Nations Charter and the role specified in Article 33 of the Charter. The draft resolution also draws attention to Article 24 of the Charter, which places upon the Security Council the primary responsibility for the maintenance of peace.

290. We have no objection to the preambular paragraphs of that draft resolution, but we have several reservations regarding the operative paragraphs, in particular reservations that relate to the compulsory jurisdiction of the International Court of Justice and reservations regarding some means and methods available outside the Charter, arising possibly from unequal treaties. However, our strongest reservation is in respect of operative paragraph 4, which reads:

"Requests the Secretary-General to prepare an up-to-date report on the implementation of the provisions of the Charter relating to the peaceful settlement of international disputes . . ."

In other words, the Secretary-General has to prepare the report on the implementation—and I stress the word "implementation"—of the provisions of Chapter VI of the Charter. In our opinion, this seems to be a somewhat sweeping mandate covering the period from the beginning of the United Nations until today. Furthermore, the Secretary-General's report would

ostensibly deal with all the international disputes that have come before the United Nations and how their settlement or otherwise was affected by the application of the different means and methods of peaceful settlement specified in Chapter VI.

291. What this could possibly mean is that we shall have from the Secretary-General a case study of each and every international dispute, in terms of Chapter VI of the Charter. The questions that arise in my mind are: What good will such a report do for the maintenance of peace? What will be the effect of a post-mortem conducted into disputes that are still unresolved but are dormant? Will such a report create more controversy, and more difficulty? Will it revive issues that are now dormant? Is it not wiser to let sleeping dogs sleep in peace?

292. Frankly, I fear that a report of the kind envisaged in operative paragraph 4 will either be of only academic interest and serve no useful purpose or it could be exploited in a manner that will create more problems than it solves. I am quite sure that that is not the intention of the sponsors, but I am afraid that operative paragraph 4 of the draft resolution, as drafted, can lead to strange and difficult situations in the future.

293. We therefore request a separate vote on operative paragraph 4, which, as I have said, we consider unnecessary for the main purpose of the draft resolution and which can do more harm than good. We shall be regretfully obliged, for the reasons stated by me, to vote against that paragraph 4. We shall abstain in the vote on the resolution as a whole.

294. Mr. GARCÍA ROBLES (Mexico) (*interpretation from Spanish*): A moment ago when I heard the representative of France, Mr. de Guiringaud, ask a question of the kind generally called rhetorical because it answered itself—I felt I should clarify the point to which he referred.

295. If I understood correctly, he asked how it could have been possible to refuse to include in the Charter of Economic Rights and Duties of States a provision for compliance with international obligations in good faith. I should like to make it clear that such a provision is indeed included in the Charter. And, in our opinion, it has been included in the most appropriate place—none other than in chapter I, entitled "Fundamentals of international economic relations". That chapter begins by stating:

"Economic as well as political and other relations among States shall be governed *inter alia* by the following principles . . ."

and the fundamental principles are then enumerated. Principle (j) reads: "Fulfilment in good faith of international obligations".

296. I should also like to point out, in order that we may put the matter in a proper perspective, that paragraph 2 of article 33 of the Charter, states:

"In their interpretation and application, the provisions of the present Charter are interrelated and each provision should be construed in the context of the other provisions."

297. I trust that the information I have just given dispels any doubt that may exist in the mind of the representative of France, who unfortunately did not

have an opportunity to participate personally in the laborious negotiations that led to this charter.

298. The PRESIDENT (*interpretation from Spanish*): The Assembly will now hear explanations of vote before the vote on draft resolution A/L.748 and Add.1-6. We shall then take a decision on that draft resolution, and after that we shall hear explanations of vote after the vote. We shall proceed in the same manner in respect of draft resolution A/L.749 and Add.1.

299. I shall now call on those representatives wishing to explain their votes before the vote on draft resolution A/L.748 and Add.1-6.

300. Mr. JANKOWITSCH (Austria): It had not been my delegation's intention to speak on the item under discussion, which, since last Friday, not only has occupied this Assembly but also has had a wide echo both inside and outside the United Nations. I therefore now wish to offer some very brief observations regarding our position on the draft resolutions before the Assembly. This may, however, entail also a brief glance at the whole context of our debate.

*Mr. García Robles (Mexico), Vice-President, took the Chair.*

301. Let me say at the outset that we regard the exchange of views that has taken place and the extraordinary interest it has aroused as a healthy sign of the vitality of this Organization. This indeed has been an eventful session of the General Assembly. It has been characterized, as we all know, by an unusually large number of important debates and far-reaching decisions. It seems most appropriate therefore to review, under the present item and in the light of the draft resolutions before us, the state of the Organization at the end of a session like the one we shall be concluding in a few days.

302. This debate has very fittingly been conducted under the heading "Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States". It was to be expected that this subject would be approached by Member States in different ways; and, indeed, an opportunity for necessary clarifications would have been missed had it been otherwise.

303. However, no one who has listened carefully to the debate—as my delegation has done—could have failed to notice the desire expressed by practically everyone to make it possible for this Organization to tackle effectively the manifold issues confronting the international community of today. There can be no doubt that the issues and problems have increased enormously over the past decades since the creation of the United Nations. An era of profound changes has begun. New forces have emerged in world politics seeking participation on equal terms in the solution of problems, especially those concerning them, and their integration into the fabric of peaceful international relations can only bring immense benefit.

304. About this new situation and about its new needs we have now started a dialogue, not only since last Friday, which has not been harmonious and not free

from acrimony, as might have been hoped. However, in view of misgivings and misunderstandings about the scope and the nature of developments within the United Nations, it was important, in our belief, to embark on this open and frank dialogue, because it is important for this Organization not to rely solely on the support of Governments alone. It must be understood and appreciated by people all over the world, unfamiliar with the intricacies and subtleties of our work.

305. It is also important—no less important—for this Organization to find support among those who are responsible for keeping the processes of information flowing, or at least to have their understanding. If there should be here and there signs of erosion in public support of the United Nations, we must act speedily to reverse the trend and to recapture hearts and minds we might have lost.

306. At the same time, we are all acutely aware of the difficulties which are necessarily connected with any process of adaptation, and we should be careful not to overestimate difficulties if, quite naturally, they have influenced the course and atmosphere of our debates. What should be kept in mind, above all, is the interest that each and every State has in preserving this Organization as an effective instrument of peace. By the same token, we must see to it that we enable and permit all countries to take an active and positive attitude towards the United Nations.

307. Much has been said in this context about the role of small States and the particular and, indeed, indispensable role the United Nations plays in their lives. There is much truth in this, but much as small States need the United Nations and the United Nations needs small States, the same is true for the large ones. There can be no truly universal organization without the fullest co-operation of all States, large or small, because the kind of co-operation and accommodation provided by a political system like the United Nations benefits large States as it benefits small, because no Power, large as it may be, could in itself or in co-operation with others replace or reproduce the unique building which is the United Nations.

308. This Organization, thus, certainly owes a lasting debt to its major founding Members, for their idealism and imagination and their political will to create this Organization and steer it through some of its most difficult phases of existence. Yet the Organization would not have been able to survive in the modern world without the enthusiasm, the dynamism and the new loyalty that every new Member has added to it since it started to grow to its present dimensions.

309. Our work, therefore, must be geared to strengthen the interests of all. We must not weaken it by undermining the United Nations as a forum for the development of co-operation among all nations. The need for increased negotiation and increased consultation has been rightly stressed, and it is only quite understandable, we feel, that the process of intensive give-and-take between different positions will intensify as issues become more sensitive and more complex.

310. Both the Charter of the United Nations and the rules of procedure have proved to be highly adaptable and flexible enough to respond to the requirements of an organization which finds itself in a state of change.

This democratic process also requires providing with a fair hearing those who do not command large support for their views. The more generously such means of expression are offered, the stronger will be the moral authority of decisions arrived at after fair and open debate.

311. The two draft resolutions on which the Assembly is about to act address themselves, though in different ways, to this need to strengthen the United Nations as an instrument of peace and international security and to harmonize the views and actions of Member States. It is the sincere hope of my delegation that the result of this debate will not lead to the division of the membership along new lines at a time when we are all agreed on the urgent need for increased co-operation and increased mutual understanding.

312. Let us not, therefore, define ourselves in terms of minorities or majorities. Now that we have nearly achieved our aim of becoming a universal Organization, let us revive the original spirit of the Charter, which tried to create unity out of diversity.

313. In an Assembly of sovereign and independent States there will be no permanent majorities or permanent minorities, but there must be a constant interplay of interests, which should, as the end result, produce an evenly constructed balance-sheet for the legitimate interests of all. Thus, while a state of permanent harmony and unanimity of purpose certainly belongs to the realm of Utopia, a legitimate balance and accommodation of interests achieved in a spirit of mutual understanding and tolerance must be within our reach. It is to be hoped that the adoption of the two draft resolutions will be an additional element to promote our common efforts in this direction. Austria has believed and continues to believe in the United Nations and its future and we are sure that all of us here share this belief.

314. Mr. SCALI (United States of America): My delegation will vote in favour of draft resolution A/L.748 and Add.1-6. This draft resolution reflects the views of the United States Government on strengthening the role of the United Nations.

315. My delegation also welcomes the initiative of the Australian delegation, contained in draft resolution A/L.749 and Add.1 on the peaceful settlement of international disputes. We are pleased to announce that my delegation will vote in favour of this draft resolution.

316. I want also to take the occasion to thank my colleagues who have spoken since this discussion began last Friday. I do not agree with everything I have heard, just as others disagree with some of the points I made. I am encouraged that the debate has taken a constructive turn and has become a positive dialogue with much sober reflection. If we can maintain this willingness to listen carefully to one another, we can write a record that peoples everywhere can applaud.

317. Mr. HASSAN (Sudan) (*interpretation from Arabic*): My delegation will support draft resolution A/L.748 and Add.1-6, relating to the strengthening of the role of the United Nations. Our support stems from our conviction that the United Nations is the only international organization that fully represents the will of all the peoples of the world. It is the best instrument

for maintaining peace and security on the basis of justice, equality and respect for international law, through constructive negotiations based on the principles of the Charter and the rules of procedure.

318. While we support the draft resolution, we believe that the United Nations can be strengthened and made more effective only if all Member States believe in its objectives and principles and respect and implement its resolutions. Moreover, all Member States should adhere to the essential principle of equality among all nations, irrespective of their power or wealth.

319. It is regrettable that at the beginning of the debate on the strengthening of the role of the Organization, we overlooked the basic reasons that necessitated the inclusion of this item in the agenda. The debate went beyond the limits of reason and accepted practices observed by almost all delegations, which we have all recognized and subscribed to in international forums, and especially in the General Assembly, where all countries are equal and where their relations are governed by mutual respect for sovereignty and by the desire for international co-operation for the good of all. We regret the resort to threats and confrontation that prevailed at the beginning of this debate. Reference to resolutions of this Assembly, which is the conscience of the world, as the outcome of a mechanical majority is unacceptable to my delegation. Equally unacceptable is the allegation that the adherence of the majority of the peoples of the world to well-considered positions is the outcome of a premeditated conspiracy, or irrational conduct contrary to principles and objectives of the Charter. The principles of the Charter are clear and the rules of procedure are clear. The equal sovereignty of States is unquestionable. When we declare our total support for the United Nations as the sole organization capable of promoting harmony in world affairs on the basis of international law, we do so in accordance with its own Charter, which will not be affected by erroneous conception and failure to recognize and adapt to new realities. The strengthening of the role of this Organization depends entirely on the degree of strict observance of the principles of the Charter and respect for its ideals rather than on narrow national interests.

320. Mr. RICHARD (United Kingdom): My delegation wishes to explain its vote on draft resolution A/L.748 and Add.1-6. We shall support that draft resolution essentially because in operative paragraph 5 it requests Member States to give further study to ways and means of strengthening the role of the United Nations and enhancing its effectiveness. We think those are important objectives. We think it is relevant, in this connexion, to review briefly what has been said on this subject in the course of the current debate.

321. The debate itself has, in our view, been helpful and constructive. What has been particularly notable to my delegation is the fact that most of those who have spoken in it have addressed themselves to the issues raised at the outset of the debate by the representative of the United States. The speech made this afternoon by our colleague from Iran was, if I may say so respectfully and humbly, a model of the way in which this Assembly and this institution can indeed consider itself. I must apologize to the President and the Assembly for having been absent from the first day of this debate. Unfortunately, I had to be in London.

I have, however, read the record of that debate and have now had the opportunity of listening to a large number of speeches made yesterday and today.

322. This is perhaps a good time for some stock-taking. We have had a lively session and it is no bad thing to ask ourselves whether the criticisms made of the United Nations do have any validity. In our view, it is idle to deny that there is genuine concern on the part of some delegations about the course of events which have taken place during this session of the General Assembly. It is also idle to deny, for it is a fact, that this concern is felt by a number of countries, my own included, which are among the founder Members of this Organization and which are some of its main financial contributors. To express that concern and to examine those doubts openly and in public does no disservice to this Organization. On the contrary, nothing but good can come from such a discussion.

323. In North America and in Europe, as in the rest of the world, people are worried about the future, their own and the future of their institutions. Among these is the United Nations itself. Some speakers have suggested that the concern expressed by my delegation and by others on Friday amounted to nothing more than nostalgia for the circumstances of 1946. That is not so. Change is both desirable and inevitable. No nation's interest is served by pretending that the world now is not an entirely different place from what it was then. For the United Nations the question may be whether that change will be achieved in an orderly and evolutionary way or whether it can only come by confrontation and division.

324. At the sixth special session in April, I said, in words which I fear were hardly original, things would never be the same again. They will not be. I would not wish them to be. But there are real and substantial economic and political differences which have still to be resolved and which will take much detailed negotiation before they are resolved. Mr. President, I and my Government are on the side of change. We understand the call for a new international economic order, with its accompanying political changes, but it must be one based on reality, not on illusion. To create a new international economic order is to create a new set of international economic relationships based on fairness and equity between the developing and the developed world. We cannot create it solely by debates on a series of resolutions which ignore the major differences which still exist, or which brush aside interests of those developed countries whose co-operation is necessary for their implementation. For us, our essential interests are essential and I think we are entitled to ask that they, too, be taken into account just as much as those of other countries whose interests are different.

325. Nor is the cause of a new economic relationship served by the adoption of a false consensus which tends to create the illusion of unanimity where it does not in fact exist. It is only a genuine consensus which has a chance of being translated into positive action.

326. Our friend and colleague Mr. Rahal told us yesterday that we must have faith in our Organization. I agree with him. I do have faith in this Organization, but it is based on a realistic appreciation of what it can and what it cannot achieve. Our Organ-

ization is not a democratic parliament in which there is a minority and a majority and in which the former accepts the discipline imposed by the latter. In such an assembly—and I speak with experience of having been a Member of Parliament in both the minority and the majority party—the minority opposition always has the next election to look forward to and always has the hope of then becoming the majority Government. Here we can only move forward by argument, by discussion, by compromise and co-operation. Otherwise we shall not move forward at all.

327. Mr. President, with your permission I should like to repeat what the United Kingdom representative said in this debate on Friday about my delegation's concern that our Charter be respected. There is a clear distinction between action taken by the Assembly which is unconstitutional and action taken which is constitutional, the results of which one nation or another may not like. The first is much more damaging than the second, and unconstitutional action does not cease to be unconstitutional merely because the Assembly says so. If we put aside the Charter whenever its provisions may seem to a majority to be inconvenient, then we lessen our claim to authority and credence.

328. In essence, our view of recent events may be expressed quite simply. We are anxious to discuss our differences openly, freely and honestly and within the framework of the United Nations. We do take this Organization seriously and we want to see it work. Perhaps as much as any other country represented here today Britain, as one of the world's great trading nations, needs a partnership with the world at large and it needs a partnership which is based on justice, good will and a spirit of mutual toleration. My delegation will continue to do everything it can within the United Nations to bring this about.

329. The PRESIDENT (*interpretation from Spanish*): The Assembly will now vote on draft resolution A/L.748 and Add.1-6. We have just heard four explanations of vote and since none of the speakers expressed opposition—on the contrary, they all expressed their support for the draft resolution—and bearing in mind that the sponsors of the draft resolution have expressed their desire that the Assembly adopt it by consensus, I should like to know if there is any objection to so doing. As I hear no objection, I shall consider draft resolution A/L.748 and Add.1-6 adopted by consensus.

*The draft resolution was adopted (resolution 3282 (XXIX)).*

330. The PRESIDENT (*interpretation from Spanish*): I shall now call on delegations wishing to explain their vote before the vote on draft resolution A/L.749 and Add.1.

331. Mr. OVINNIKOV (Union of Soviet Socialist Republics) (*interpretation from Russian*): In connexion with the draft resolution introduced by Australia and a number of other countries, the Soviet delegation considers it necessary to make the following statement.

332. The Soviet Union is a convinced partisan of the peaceful settlement of international disputes. The programme of peace approved by the Twenty-Fourth Congress of the Communist Party of the Soviet Union states, among other things, that it should become a

law of international life to refrain from the threat or use of force in the settlement of disputes. Accordingly, the Soviet Union introduced, in particular at the twenty-seventh session of the General Assembly, the question of the non-use of force in international relations and permanent prohibition of the use of nuclear weapons, on which the General Assembly adopted resolution 2936 (XXVII).

333. We would say in passing that it is rather strange that Australia and a number of the other sponsors of this present draft resolution abstained in the vote on resolution 2936 (XXVII) and did not find it possible to make reference to that resolution in their present draft resolution.

334. The question of the peaceful settlement of international disputes, as is well known, is governed by the United Nations Charter, which devotes a special chapter, Chapter VI, to it. It is well understood that the first duty of Member States of the United Nations is unswerving compliance with the Charter in this regard.

335. However, so far as one can judge, the draft resolution submitted by Australia and other countries does not at all have in mind observance of the relevant provisions of the Charter. On the contrary, it actually provides for bypassing of the provisions of the Charter in this regard, and in particular the factual removal of the Security Council from participation in the investigation and settlement of international disputes. Yet these are exclusive functions of the Security Council.

336. This method is not new. As far back as the twentieth session of the General Assembly similar attempts to bypass the relevant provisions of the Charter and to diminish the role of the Security Council on the pretext of the need to study methods for the peaceful settlement of disputes were made by another Western delegation. And as long ago as that time the Soviet delegation noted that the real reason for the unsatisfactory situation in the world consisted not at all in any alleged inadequacies of the United Nations machinery for the settlement of disputes as provided for in the Charter. We stressed at that time that the whole problem was the policy of the colonial Powers and particularly their attempt to turn back the tide of history by suppressing the national liberation movements and giving assistance to racist régimes.

337. At that time, 1965, statements opposing consideration of this item on the basis of similar arguments were made by the representatives of African countries—Guinea, Ghana, the United Republic of Tanzania and Ethiopia. As a result, that attempt was rejected and buried.

338. One cannot help seeing that the present effort along the same lines to make use of the question of the peaceful settlement of disputes, is based on the same foundation as the earlier attempts. Once again, the attempt is to distract the attention of the General Assembly from the really urgent questions, to push it in the wrong direction, and to complicate and to confuse the problem and the procedure laid down in the Charter for the investigation and settlement of international disputes.

339. The draft resolution submitted by Australia and other countries arouses serious doubts in another respect too. The peaceful settlement of international

disputes of course presupposes, first of all, direct negotiations between the parties directly concerned. This is understandable, because premature interference by a third party can complicate the situation and is therefore permissible only in the case of extreme necessity and with the assent of the parties. As we know, the United Nations Charter provides, in Article 33, for the use by the parties of such methods of settlement of their own choice as the participation of a third party.

340. However, unlike the Charter, the Australian draft resolution does not add this method of settlement to the method of direct negotiations but, in essence, makes it a replacement. Essentially, what is provided is the almost obligatory interference of a third party in the negotiations between the parties directly involved. For example, as regards the International Court, the draft resolution openly provides that the opinion of the Court should be made binding, something to which it is not possible to agree, since under the United Nations Charter the conclusions of the Court are only consultative in nature.

341. The question naturally arises: Where was the need not only to circumvent but actually to replace the provisions of the Charter in so important a matter? We can see this approach only as a serious threat to small countries and an attempt to impose upon them an outside point of view and opinion. We are convinced that this course is fraught with serious consequences of high-handed interference in the domestic affairs of States, particularly small countries.

342. Lastly, there is a further cause for serious objection to this draft resolution, namely, that it provides for studies on resolutions of the General Assembly, a majority of which were adopted in the years of the cold war and were dictated by emotions of hostility and prejudice. These resolutions were imposed in the years of the notorious "mechanical majority". The Soviet Union and other socialist countries, and also a number of other States, voted against these resolutions. The question arises: Why is there now any need to revive these memorials of the cold war? This approach runs counter to the positive trends observed today in the international arena and are, to say the least, strange and unjustified and, consequently, unacceptable.

343. In view of the above considerations, the Soviet delegation will vote against the Australian draft resolution as a whole and against operative paragraph 4, if a separate vote is taken on it, first of all because this draft resolution is contrary to the United Nations Charter, and its aim is to substitute a new and fabricated organ for the Security Council; secondly, because it represents a threat of interference in the domestic affairs of small countries; and, thirdly, because it is aimed at resuscitating the unacceptable resolutions from the times of the cold war.

344. Draft resolutions like this do nothing to strengthen the United Nations or to establish co-operation among the States Members of the United Nations. On the contrary, they tend to weaken the role of the United Nations and to divide the membership.

345. Mr. RAMPHUL (Mauritius): When I spoke in the Assembly yesterday, I said that my delegation would vote in favour of both the draft resolutions

now before us. However, after listening to the statement of my colleague, Mr. Jaipal of India [*paras. 287-293 above*], I feel that I ought to review my position. I shall therefore abstain on operative paragraph 4 of draft resolution A/L.749 and Add.1, should it be put to a separate vote, since I am not very clear on its implications.

346. May I seize this opportunity to say how much I appreciated the statement made a moment ago by our colleague and friend, Mr. de Guiringaud of France. He spoke with his usual elegance and wisdom. While I do not agree with all the points he made, Mr. de Guiringaud has certainly dispelled some misunderstandings and brought us a breath of clean air, which we so much needed.

347. My delegation was favourably impressed by the courageous and positive statement just made by our colleague, Mr. Scali of the United States.

348. I have taken note of the statement of my colleague and comrade, Mr. Ivor Richard of the United Kingdom. I have no doubt that his delegation will always be ready to accommodate consultation in time whenever it is required by representatives of countries large and small.

349. We have had a useful and healthy debate and, in my view, a very constructive debate on agenda item 20. I therefore congratulate Mr. Scali for having provoked it. Let us now look forward to more consultation, co-operation and compromise, and avoid confrontation.

350. Mr. RAHAL (Algeria) (*interpretation from French*): Draft resolution A/L.749 and Add.1 is submitted under the heading of "Peaceful settlement of international disputes". This heading expresses a principle to which we obviously adhere and to which undoubtedly all the Member States of our Organization and all delegations present here also adhere, particularly after the long debate we have just witnessed, which has, fortunately, been concluded in an atmosphere of harmony and good will, an atmosphere of collaboration rather than confrontation. However, on reading the provisions of this draft resolution in detail, we are led to have second thoughts on them. The concepts and ideas contained therein and the methods to which these provisions refer are not new. They have been put to the test ever since the establishment of our Organization and even long before; this experience in itself justifies the caution that we wish to express in regard to these provisions.

351. This circumspection is something we want to emphasize in regard to operative paragraph 4 of this draft resolution. Perhaps we do not understand all the advantages which the sponsors find in this paragraph or all the merits therein, but what is clear to us is that it has very serious drawbacks, because this provision of the draft resolution does not lead to anything but the resurrection of old quarrels or old differences of view, each of which has left wounds that are not yet, perhaps, totally healed, and cannot be completely healed. It is not a good thing for the health of our international community or the climate of understanding we want to create to reopen these wounds today. That is why I would endorse the proposal of my friend, the representative of India, who requested that operative paragraph 4 be put to a sepa-

rate vote. I should like to add that my delegation will vote against paragraph 4 and will abstain on the draft resolution as a whole.

352. The PRESIDENT (*interpretation from Spanish*): Although we are in the process of voting, the representative of Australia wishes to introduce a very slight revision to the text of operative paragraph 4 of draft resolution A/L.749 and Add.1. He wishes to change the first two lines of that paragraph. It now reads: "Requests the Secretary-General to prepare an up-to-date report on the implementation of the provisions of the Charter relating to the peaceful settlement . . ." The delegation of Australia wishes to revise it to read: "Requests the Secretary-General to prepare an up-to-date report concerning the machinery established under the Charter for the peaceful settlement . . ."

353. If we abide strictly by the rules of procedure, this revision is out of order. On the other hand, the Chair does not have any objection to acceding to the request to introduce this change before the vote. However, I must ask whether there is any objection, on the understanding that should there be, it will not be possible to make the change. I hear no objections. Therefore the text has been corrected as I read it.

354. The Assembly will now vote on draft resolution A/L.749 and Add.1 as revised by the change I have just read out. I have been informed that the delegation that requested a separate vote on operative paragraph 4 has withdrawn its request. That being the case, we shall put the draft resolution as a whole, as revised, to the vote. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Argentina, Australia, Austria, Belgium, Bhutan, Botswana, Brazil, Burma, Canada, Chile, Colombia, Costa Rica, Cyprus, Dahomey, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, Germany (Federal Republic of), Ghana, Greece, Guinea, Guinea-Bissau, Haiti, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Khmer Republic, Laos, Lebanon, Liberia, Luxembourg, Malawi, Malaysia, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Romania, Rwanda, Singapore, Spain, Sri Lanka, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Venezuela.

*Against:* Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining:* Algeria, Bahrain, Bangladesh, Central African Republic, Chad, Congo, Democratic Yemen, Ethiopia, France, Grenada, Guyana, Iceland, India, Iraq, Jamaica, Kuwait, Libyan Arab Republic, Mali, Mauritania, Mauritius, Oman, Senegal, Somalia, Sudan, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

*The draft resolution, as revised, was adopted by 68 votes to 10, with 35 abstentions (resolution 3283 (XXIX)).*

355. The PRESIDENT (*interpretation from Spanish*): I shall now call on those representatives who wish to exercise their right of reply. Members of the General Assembly will recall that at the 2236th plenary meeting it was decided that statements in exercise of the right of reply should be confined to 10 minutes.

356. Baron von WECHMAR (Federal Republic of Germany): My delegation has been mentioned repeatedly in the debate and I should like, therefore, to clarify a few points. But to begin with, let me say how gratified I am that item 20 has met with such great interest in that, in particular, the number of delegations taking part in the debate has increased considerably since last Friday. It is most fortunate that we have witnessed this very afternoon a welcome tendency towards seeking common ground. I am convinced that the substantial and thorough debate on this subject will help us to gain new insights and will contribute to finding new ways to strengthen the role of the United Nations in the interest of all its Members. Like the representative of the United Kingdom, I, too, should like to point to the example of a fair debate which was set today by the representative of Iran. Mr. Hoveyda.

357. In saying this, I should like also to refer to a statement by my Minister for Foreign Affairs, Mr. Genscher, yesterday, 11 December, before the German Bundestag, where he announced that the Government of the Federal Republic of Germany had taken the initiative in the question of preserving and strengthening the significance of the United Nations and its ability to function, and proposed that the Foreign Ministers of the nine countries of the European Economic Community consider this problem as a matter of priority at their next meetings.

358. This positive interest of my Government in the functions and the role of our Organization is built and based on the conviction that the United Nations can develop only if it is backed by the solidarity of its Members and political determination to co-operate. This development should take place, in my Government's view, within the framework of the basically sound and adjustable Charter. It is equally vital, in our opinion, that the existing rules of procedure be governed by a spirit of compromise and of fair play. This spirit is required of all of us and only thus will we arrive at decisions which accommodate a maximum number of interests. Such decisions are realistic because they are acceptable and, therefore, capable of implementation. The spirit of international solidarity is invoked specifically in the provisions of the Charter concerning the peaceful settlement of disputes and respect for the law. The peaceful settlement of disputes and the rule of law are, in our view, indispensable prerequisites for the protection of the materially weaker against possible abuses by the materially stronger. The point is co-operation and not confrontation.

359. One delegation has commented on some observations that were made by the delegation of the Federal Republic of Germany in its statement on item 20 [2307th meeting, paras. 82-100]. In doing so, it disregarded the over-all context of our contribution to the

debate on the valuable initiatives of Romania and Australia. However, the Federal Republic of Germany has taken no position regarding the initiatives themselves, and in order to avoid misunderstandings, my delegation wishes to state the following. We have pointed to the overriding importance of the prohibition of the threat or the use of force in the settlement of disputes and to the mandatory nature of that provision in the Charter of the United Nations, in accordance with the Romanian initiative, and that is in the sense of a strengthening of the role of the United Nations in preserving peace and making it more secure.

360. We have recalled that this prohibition applies without restriction also to the unresolved national question in Germany, the existence of which is expressly mentioned in the Treaty of 21 December 1972 between the two States in Germany. We have pointed to the significance of the universal implementation of the right of peoples to self-determination as well as of the collective and individual human rights embodied in the Charter of the United Nations whose implementation is so essential a prerequisite for the strengthening and the credibility of our Organization.

361. The simultaneous entry of the two States of Germany into the United Nations was intended to enhance the universal structure of the United Nations and thereby strengthen its role. It was also intended to make a definite contribution to *détente* in Europe, in full accord with the peace mission of this very Organization, and thereby help to remove the political causes of tension and the arms race burdening the budgets of European States with expenditure which could be put to more productive use for the benefit of greater economic and social justice among peoples. At the time of the admission of the two German States to the United Nations, the division of Germany, brought about against the will of the German nation, and the abolition of the division of Germany were still mentioned also in the Constitution of the German Democratic Republic. The representative of the German Democratic Republic has referred to the sovereign equality of all Member States. Yet, the other purposes and principles of the Charter must also be taken into account in this context. This is true, too, of the rights and responsibilities of the four Powers in respect of Germany as a whole and of Berlin.

362. Moreover, the special situation in Germany was recognized in the Declaration by the Governments of the four Powers on the occasion of the admission of the two States of Germany to the United Nations, a Declaration which was notified to the Secretary-General of the United Nations on 16 June 1973. The Foreign Minister of my country, Mr. Scheel, and his successor, Mr. Genscher, as well as the Member of Parliament, Mr. Mertes, have underlined in this very forum the Federal Republic of Germany's aim, which is, in accordance with the purposes and principles of the United Nations Charter, to work for a state of peace in Europe in which the German nation will regain its unity through self-determination.

363. In order to avoid misinterpretations and controversy, the Federal Government notified this peaceful aim of my country to the German contracting party in East Berlin at the time of the conclusion of the Treaty in a letter dated 21 December 1972.

364. We mentioned the Treaty during the debate here on item 20 because it exemplifies within the framework of the special situation in Germany the renunciation of the threat or use of force in the solution of controversial questions as an indispensable prerequisite for the strengthening of the role of the United Nations.

365. As regards the reference made to Alexander Solzhenitsyn, we would like you to read for yourselves the relevant passage in the statement of the delegation of the Federal Republic of Germany as well as the speech which the writer made when he was awarded the Nobel Prize for literature. This should, I think, remove all misunderstanding.

366. The delegation of the Federal Republic of Germany would ask other delegations to keep in mind the link between the two subjects—strengthening of the role, and strengthening of the credibility, of the United Nations, which we, like, I am quite sure, other delegations, wish to emphasize, encouraged by the valuable initiative of Romania and Australia.

367. Mr. HANSEL (German Democratic Republic) (*interpretation from Russian*): I do not want to get into an argument with the representative of the Federal Republic of Germany on a question which is not on the agenda and is not the subject of our discussion. Since, however, the interests of the people of the German Democratic Republic have just been touched upon again, I am obliged to once more explain the policies of my Government, the Government of a socialist State, with regard to our western neighbour, which is a capitalist country.

368. As regards the national question on German soil, this has long since been resolved by history. The people of the German Democratic Republic are freely exercising their right to self-determination and in that exercise they have, once and for all, chosen the socialist system. On German soil there is today a socialist State, the German Democratic Republic, where a socialist nation is developing, and the capitalist Federal Republic of Germany, where a capitalist nation exists. Between socialist and capitalist States there can exist only relations of peaceful coexistence the principles of which are well known.

369. We have concluded a treaty with the Federal Republic of Germany on the bases of relations which

oblige both parties to be guided by the purposes and principles of the United Nations Charter, particularly the principle of the sovereign equality of all States and non-interference in internal affairs.

370. Consistently applying the principle of peaceful coexistence we wish to develop intergovernmental relations between the German Democratic Republic and the Federal Republic of Germany. Recently, my Government put a number of proposals to the Federal Republic of Germany for the further normalization of relations between the two States. We hope that the other side, too, will be guided by the provisions of the treaty regarding the bases of relations between the two German States.

371. In conclusion I should like to note that European and international security is by no means served by wishes based on outmoded, and, I stress, dangerous views concerning a change in the geographical map of Europe.

*The meeting rose at 9.20 p.m.*

---

#### NOTES

<sup>1</sup> *Official Records of the General Assembly, Twenty-ninth Session, Second Committee*, 1650th meeting, paras. 12-23.

<sup>2</sup> *Ibid.*, 1649th to 1651st meetings.

<sup>3</sup> *Ibid.*, 1649th meeting, paras. 79-82.

<sup>4</sup> *Ibid.*, 1650th meeting, paras. 28-30.

<sup>5</sup> *Ibid.*, 1649th meeting, paras. 16-18.

<sup>6</sup> Kabul Declaration on Asian Economic Co-operation and Development, adopted at the fourth session of the Council of Ministers for Asian Economic Co-operation, held from 16 to 19 December 1970.

<sup>7</sup> *Official Records of the General Assembly, Twenty-ninth Session, Sixth Committee*, 1468th meeting, paras. 50-53.

<sup>8</sup> *Ibid.*, Annexes, agenda item 95, document A/9950, paras. 12-15.

<sup>9</sup> Walter Millis and E.S. Duffield, eds., *The Forrestal Diaries* (New York, Viking Press, 1951), p. 363.

<sup>10</sup> See *Official Records of the General Assembly, Second Session, Plenary Meetings*, vol. II, annex 33, document A/516.

<sup>11</sup> Charles W. Yost, *The Conduct and Misconduct of Foreign Affairs: Reflections on U.S. Foreign Policy since World War II* (New York, Random House, 1972).

<sup>12</sup> *Official Records of the General Assembly, Sixteenth Session, Supplement No. 1A (A/4800/Adj.1)*, sect. III.