Fortieth session
Item 73 of the provisional agenda*

IMPLEMENTATION OF THE COLLECTIVE SECURITY PROVISIONS OF
THE CHARTER OF THE UNITED NATIONS FOR THE MAINTENANCE
OF INTERNATIONAL PEACE AND SECURITY

Note by the Secretary-General

1. The General Assembly, at its thirty-ninth session, adopted resolution 39/158
entitled "Implementation of the collective security provisions of the Charter of
the United Nations for the maintenance of international peace and security". In
that resolution, the General Assembly, inter alia, expressed its regrets that the
Ad Hoc Committee which the Assembly, by its resolution 36/191, decided to establish
for the purpose of exploring ways and means of implementing the said provisions has
not been constituted; requested the President of the General Assembly, as a matter
of urgency, to undertake consultation with the regional groups to appoint 54 Member
States to constitute the membership of the Ad Hoc Committee on the basis of
equitable geographical representation and including the permanent members of the
Security Council; requested the Secretary-General urgently to invite those Member
States that have not yet done so to communicate to him not later than 30 April 1985
their views and comments on the matter and to transmit those views and comments to
the Ad Hoc Committee as soon as possible; requested the Ad-hoc Committee, in
considering the matter, to take due account of the views and comments of Member
States, including their recommendations, and to submit a progress report to the
Security Council for its consideration and comments and to the General Assembly at
its fortieth session, and a final report to the Assembly at its forty-first
session; and decided to include the item in the provisional agenda of its fortieth
session.

2. Pursuant to the request of the General Assembly, the Secretary-General, on
15 January 1985, addressed a note verbale to the Governments of Member States

* A/40/150.
inviting them to communicate their views and comments in accordance with paragraph 3 of the resolution. As at 29 July 1985, five substantive replies were received from Member States, the texts of which are reproduced in the annex hereto. Any further replies which may be received will be issued in addenda to the present note.

3. Also, in accordance with resolution 38/158, the President of the General Assembly undertook extensive consultations with the Chairmen of the regional groups in order to reach agreement on the constitution of the Ad Hoc Committee. As of this date, owing to different opinions concerning the distribution of seats, the Ad Hoc Committee has not been constituted. Accordingly, the report requested by the General Assembly in paragraph 4 of resolution 39/158 will not be available at the fortieth session.
ANNEX

AUSTRALIA

[Original: English]

[30 April 1985]

1. Australia voted in favour of resolution 39/158 because it believes there is a need for more effective, concerted action by the United Nations in preventing and deterring international conflict.

2. As a member of the Security Council in 1985-1986, Australia is working co-operatively to make the Council more effective in maintaining international peace and security.

3. In a statement on 4 January 1985, the Minister for Foreign Affairs of Australia, Mr. Bill Hayden, M. P., said that Australia will press in the Security Council for action designed to implement, in some form the collective security provisions of the Charter of the United Nations. Mr. Hayden also said that Australia will support greater involvement of the Secretary-General in the settlement of disputes and changes to the way the Security Council is conducted so as to create a more conducive climate for the effective negotiation of disputes. He discussed these matters with the Secretary-General in Canberra on 13 February 1985.

4. A Committee with the purpose of exploring ways and means of implementing the collective security provisions of the Charter of the United Nations as envisaged in resolution 38/191 could provide a valuable forum for the discussion of such ideas.

5. However, Australia is concerned that a Committee of 54 Member States may have undesirable budgetary consequences. In addition, its size may make agreement on matters of substance more difficult to reach. Equitable geographical distribution could be achieved with fewer Member States on the Committee. Agreement on a smaller membership may also help to overcome the unfortunate delay to the establishment of the Committee.

6. Australia is prepared to serve on the Committee and to extend to the Committee its full co-operation and support.

NIGERIA

[Original: English]

[9 May 1985]

1. The Government of the Federal Republic of Nigeria recognizes the need to strengthen United Nations capability to halt aggression in the interest of international peace and security. It regrets that the Security Council which is conferred with the primary responsibility for the maintenance of international
peace and security is unable to act in concert to fulfil that obligation because of deep differences among some of the permanent members and the East-West rivalry. Member States have not shown the political will to honour the pledge to take effective collective measures for the prevention and removal of threats to the peace. The strengthening of peace and security machinery of the United Nations will not only enhance the security of all nations but will also reinforce the confidence, of the international community in the capability of the United Nations to deal effectively with armed aggression in violation of national boundaries which has been a major cause of armed conflicts since the end of the Second World War.

2. Furthermore, the inability of the international community effectively to implement the collective security provisions has allowed for the involvement of parties from outside conflicts and has largely contributed to the present dangerous escalation in arms race. It is imperative, therefore, that the United Nations work out viable mechanism to prevent international peace and security from being threatened by the use or threat of use of force against sovereignty, military intervention and occupation, interference in the internal affairs of States, the prevailing situation in southern Africa created by South Africa's illegal occupation of Namibia and its apartheid practice and above all, the dangerous escalation of arms race.

3. There is, therefore, the urgent necessity for the international community to review the need for effective implementation of those collective security provisions in order "to save succeeding generations from the scourge of war".

4. The Government of the Federal Republic of Nigeria, in conformity, therefore, with General Assembly resolution 39/158 and in response to the Secretary-General's request for views and comments of all Governments on the implementation of the collective security provisions of the Charter of the United Nations for the maintenance of international peace and security wishes to state in the context of the foregoing that:

   (a) It welcomes the decision to establish an Ad Hoc Committee for the purposes of exploring ways and means of implementing the collective security provisions of the Charter and urges the members of the Ad Hoc Committee to exert their best efforts towards its successful accomplishment. As all the permanent members of the Security Council are on the Ad Hoc Committee, Nigeria wishes to enjoin then to view the exercise in the framework of the primary responsibility entrusted to the Council for the maintenance of international peace and security.

   (b) It is necessary that the international community should commit itself to invoking collective security procedures to deal especially with armed conflicts threatened or provoked by border disputes. Respect for territorial integrity of States is not only embodied in the Charter of the United Nations but also constitutes an essential obligation in the statutes of regional organizations as well as being an important principle of the Non-aligned Movement. The East-West rivalry and differences should not be allowed to obstruct the application of collective security measures in such cases. A clear definition and means of determining aggression acceptable to all permanent members of the Security Council...
is essential in order to secure their co-operation in dealing with threats to international peace and security involving the violation of territorial integrity of States.

(c) It is recognized that it is difficult to implement the collective security role envisaged for the United Nations in the prevailing circumstances in which conflicts can hardly be kept free of the involvement of the great Powers who are wedded to their perceived global strategic interests. In furtherance of these interests, they readily employ their veto power at the Security Council to thwart the implementation of the collective security provisions of the Charter. There is therefore the need for a machinery to be devised to enable the Security Council to develop political consensus in respect of any threat to international peace and security. In this connection, serious consideration should be given to reviewing the use of "veto power" in order to determine the special circumstances in which such power should or should not apply in the interest of the international community. It is against this background that Nigeria would wish to recommend that any permanent member of the Security Council who is directly or indirectly involved in any conflict being considered by the Security Council should be restrained from applying its veto power. Such a member should, however, be allowed to vote.

(d) The Government of Nigeria also wishes to call for the review of the operations of peace-keeping forces to make them more effective. Once deployed, they should have specific mandate and should be closely supervised by the Secretary-General. The Security Council should take more active interest in their performance in the achievement of their mandate. Proper funding arrangements should be worked out in order to encourage and enable Member States to provide forces to the Security Council with minimum delay whenever the need arises. The General Assembly's Special Committee on Peace-keeping Operations should take necessary steps to complete its protracted deliberations on guidelines for peace-keeping operations.

(e) Nigeria would support more effective measures to defuse potential conflicts. In this connection, the Secretary-General should use his good offices in such situations to take preventive action. Nigeria also supports periodic meetings of the Security Council to review the international situation with a view to defusing potential conflict.

UGANDA

[Original: English]

[28 March 1985]

1. One of the primary concerns of Uganda within the sphere of international relations and in the maintenance of international peace and security is the principle of collective security as enunciated in the Charter of the United Nations.

2. Uganda is convinced that the unbridled arms race in all their dimensions, nuclear and conventional will inexorably lead to a world conflagration of indescribable consequences.

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3. We have spared no efforts in expressing ourselves on nuclear holocaust, the maintenance of international peace and security and in the observance of the principles of national sovereignty, independence and territorial integrity.

4. Common security and justice must be secured for all nations, big or small, through the practical implementation of the collective security system of the Charter.

5. In our view, the persistent resort to the threat or use of force in the resolution of international conflicts is contrary to the very tenet for which the United Nations stands - to serve succeeding generations from the scourge of war. The fundamental purpose of our Organization must remain the maintenance of international peace and security. This task can be accomplished if the Organization can take effective collective measures for the prevention and removal of aggression. To that end the Security Council, whose primary task is the maintenance of international peace and security, must assume its full responsibilities within the framework laid down by the Charter for prohibitive or remedial action in the process of maintaining or restoring international peace and security even when it has broken down.

6. The persistent failure of the United Nations to maintain law and order in the world is partly a result of the inability of permanent members of the Security Council to act co-operatively during crises situations. This is more so where the abuse of the veto has become the order of the day rather than its exception. This tendency is not devoid of dire consequences. The Security Council, where eloquence now dominates during debates, has been reduced to the status of a debating society. There is an increasing tendency to bypass it in the resolution of issues central to it. The role of the Secretary-General has been continuously eroded. The reputation of the very organization has been put into question.

7. One of the tragic failures of the Organization in the implementation of the collective provisions of the Charter has been reflected in the dismal failure of the Security Council to impose comprehensive sanctions against apartheid South Africa because of its colonialism in Namibia, wars of aggression against neighbours and policies of racism and apartheid, which are crimes against humanity.

8. Uganda believes that the implementation of the collective security provisions of the Charter serves the basic objectives of the Charter. It serves as a trust in our Organization and as a reaffirmation of our faith in the same. It underscores the increasing realization that security is either for all or none. Its implementation will render the assurance that in all cases of aggression, sanctions will be applied against their perpetrators. The authority and dignity of our Organization will equally be restored. Member States must, therefore, recommit themselves to the collective security provisions of the Charter of the United Nations for the maintenance of international peace and security. The permanent members of the Security Council must act responsibly and not abuse the veto power for such a conduct hinders the decisive execution of the collective security provisions of the Charter of the United Nations in the maintenance of international peace and security.
INDIA

[Original: English]

[21 June 1985]

1. The Government of India firmly believes that despite its various shortcomings and weaknesses the United Nations remains today the single greatest source of inspiration and influence for the promotion of peace and understanding among nations in a world torn by strife and conflict. It represents the hope of humanity for a better world and for the preservation of peace.

2. The deteriorating international situation brought on in the wake of the arms race, in particular the menace posed by the escalating build-up of nuclear weapons and other weapons of mass destruction, has led to a situation when the shadow of world-wide catastrophe looms continuously over humankind. It is, therefore, essential that no effort is spared to create an atmosphere of greater trust and understanding among nations. To this end, it is imperative that the system of collective security envisaged in the Charter of the United Nations is strengthened by giving full effect to its provisions. The Charter assigns a central role to the Security Council in enhancing collective security and promoting international peace. The Government of India welcomes the valuable ideas and observations contained in the reports of the Secretary-General to the thirty-seventh, thirty-eighth and thirty-ninth sessions of the General Assembly on the work of the Organization.

3. In the endeavour to build a workable system of security among nations, several ideas have been advanced during the consideration of this item in various forums under the aegis of the United Nations. The Government of India supports, in principle, the idea of a revival of periodic meetings of the Security Council as envisaged under Article 29, paragraph 2, of the Charter. However, to emphasize the special nature of the periodic meetings and to enhance their effectiveness it would be desirable to examine carefully the subject-matter and the objectives of the periodic meetings as well as any organizational and procedural matters connected therewith. The Government of India also supports the proposal that the existing mechanism and working methods be examined in order to enhance the authority and enforcement capacity of the Security Council in accordance with the Charter.

4. It is the conviction of the Government of India that while the Charter is not perfect nor all its provisions fully reflect contemporary realities it is still the best available instrument at hand. As a general policy India favours quiet evolution of the Charter through interpretation and State practice. Further, it is the political will of States, the creation and sustaining of adequate working relationships among the permanent members of the Council, and a conscious recommitment by all Governments to the Charter that will contribute to strengthening the effectiveness of the collective security provisions of the Charter and towards promoting the Organization's capacity to act effectively in moments of conflict and crisis. It is also necessary to approach and utilize the functions of the General Assembly and the Security Council with a view to encouraging harmonious blending of their roles. In addition, increased attention

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will need to be paid to the strengthening and systematization of United Nations peace-keeping operations within the framework of the Charter since, as stated by the Secretary-General, they have proved to be "a most useful instrument of de-escalation and conflict control and have extended the influence of the Security Council into the field of a unique way". Finally, inherent faith in the Organization and acceptance of its decisions with a sense of discipline are the only guarantees to improve the effectiveness of the United Nations.

5. The Government of India's consistent support to the United Nations as well as to the purposes and principles of the Charter and its respect for the obligations arising thereunder are too well known to need reiteration. As early as in 1947, the Government of India enacted the United Nations (Security Council) Act, 1947, according to which if, under Article 41 of the Charter of the United Nations, the Security Council calls upon the Central Government to apply any measures, not involving the use of armed force, to give effect to any decision of the Security Council, the Central Government may make such provisions (including provisions having extra-territorial operation) as appear to it necessary or expedient for enabling those measures to be effectively applied (Act No. XLIII of 1947). India has all along supported the peace-keeping operations of the United Nations and contributed unflinchingly to them in terms of material, manpower and financial contributions. The Government of India is fully prepared to extend its co-operation and support in the work of the Ad Hoc Committee in order to evolve such agreed measures as may contribute to the strengthening of the United Nations.

MOROCCO

[Original: French]

[13 June 1985]

1. The Charter of the United Nations framed with the intention of saving "succeeding generations from the scourge of war", has as its primary aim the maintenance of international peace and security, which is to be accomplished through preventive measures, suppressive action and the development of peaceful means for the settlement of disputes.

2. The main responsibility in this regard lies with the Security Council (Chap. VIII), whereas the General Assembly exercises a deliberative function (Art. 11). Under Article 99, the Secretary-General "may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security".

3. The Security Council either may take preventive measures, if there is a threat to the peace, and recommend provisional measures to prevent an aggravation of the situation (Art. 40) or, if it determines that there is a breach of the peace or act of aggression, may intervene by taking action which does not involve the use of force, such as an embargo (Art. 41), or by dispatching an international force. This last-mentioned power has fallen into disuse because, among other things, the differences that have arisen among the members of the Council have made it

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impossible to conclude the special agreements on the constitution of the international armed forces (Arts. 43-45) and to establish a Military Staff Committee (Art. 46).

4. The lapse of the Council's restraining role has not by any means been counterbalanced by a strengthening of its preventive one. Consequently, since the adoption of the Charter, there has been a considerable number of local conflicts throughout the world, over 100 of them, in which outside Powers have intervened, thereby heightening tension and exacerbating the feeling of world-wide insecurity. This situation is all the more disturbing because the victims are third-world countries whose means of defence are inevitably limited and which need to mobilize all their available resources for economic and social development.

5. Many conflicts are kept alive and fuelled by the recruitment, utilization, financing and training of mercenaries and by the granting of transit facilities to them. As the Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi in March 1983, recently declared, it is necessary to intensify efforts within the United Nations for the adoption of international convention outlawing such activities (A/38/132, para. 177).

6. The Kingdom of Morocco feels that it has now become imperative to emphasize the preventive role of the Security Council as part of the system of collective security. The Council should study potential conflicts by carrying out in situ investigations (Art. 34), by dispatching missions of good offices and by recommending suitable methods for the peaceful settlement of disputes.

7. In this connection, the Secretary-General, because he is impartial and because of the information available to him, should invoke Article 99 more often and should urge the Council to take steps to forestall action which may cause irreparable harm.

8. The Kingdom of Morocco can only encourage the Secretary-General to pursue the path which he himself advocated in his first report on the work of the Organization (A/37/1):

"The Secretary-General has traditionally, if informally, tried to keep watch for problems likely to result in conflict and to do what he can to pre-empt them by quiet diplomacy ... In order to carry out effectively the [...] role foreseen for the Secretary-General under Article 99, I intend to develop a wider and more systematic capacity for fact-finding in potential conflict areas."