



SUMMARY RECORD OF THE 13th MEETING

Chairman: Mr. GOERNER (German Democratic Republic)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 126: REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS (continued) (A/39/41, A/39/134-S/16418, A/39/360, A/39/440, A/C.6/39/3)

1. Mr. PETROVSKY (Union of Soviet Socialist Republics) said that one of the most effective ways of excluding the use of force from international relations was through the conclusion of a world treaty on the subject, an idea endorsed by the General Assembly as far back as 1976. The purpose of the draft World Treaty submitted by the Soviet Union at that time was to reaffirm the principle of non-use of force and to apply it to the realities of the nuclear-missile age. Such a treaty would make the non-use of both nuclear and conventional weapons at the global level a peremptory norm of State conduct in full accordance with the Charter of the United Nations. It would offer a radical solution to the question of the non-use of nuclear weapons and would constitute a unique means of averting both nuclear war and armed conflict in general. It would make it possible to create a new and better situation in the world by guaranteeing a sound and peaceful future for all.
2. The question of the non-use of force was of key importance for the security of all States and for the very survival of mankind, especially as the threat of war had grown and the foundations of peace and security had become more shaky. It was the reliance on force that lay behind the policy of achieving military supremacy pursued by those who wished to dominate the world and impose their will on other countries and peoples. Openly proclaiming a policy of acting from a position of strength, they were allocating further billions of dollars to the modernization of their strategic nuclear arsenal and the development of space weapons, deploying first-strike nuclear missiles in Western Europe and developing more sophisticated conventional weapons. That unprecedented build-up was especially dangerous because it was accompanied, or inspired, by doctrines and ideas involving the first use of nuclear weapons. Such dangerous theories could lead to an all-out nuclear war.
3. The attack on and occupation of Grenada, the undeclared war against Nicaragua and the naval bombardment of Lebanon showed that those who thought in terms of force were not averse to using it. There was an urgent need to establish in international affairs the principle of law rather than the principle of force. As stated in the Final Document of the Tenth Special Session of the General Assembly, security could not be enhanced by the accumulation of weapons, particularly nuclear arms. Therefore, the time had come to put an end to the arms build-up and to prohibit the use of force in international relations.
4. All States could and should make a real contribution to that process, and the Soviet Union appreciated the efforts made by the non-aligned countries. At the same time, it was fully aware that the nuclear-weapon States bore a special responsibility, and was acting accordingly. It called upon the other nuclear-weapon States to do likewise. It had proposed that, in their relations, the nuclear-weapon States should observe certain rules in keeping with the aim of

(Mr. Petrovsky, USSR)

averting nuclear war, which they should regard as the main objective of their foreign policy. If the other nuclear Powers accepted that proposal and strictly observed such rules, which should be mandatory, the political, moral, legal and material guarantees for the non-use of nuclear force would be established and the threat of nuclear war would disappear. The Soviet Union and the States of the socialist community were focusing their efforts on precisely that objective.

5. The Soviet Union matched its words with deeds and had assumed the obligation not to be the first to use nuclear weapons. If the nuclear Powers which had not yet done so responded to the call of the General Assembly and also assumed such an obligation, the use of nuclear weapons would, in effect, be rejected totally, which would represent a truly historic step towards building international confidence and strengthening the régime of the non-use of force in the most important area. The quickest way, which would require no special negotiations or agreements, would be for each nuclear-weapon State to undertake the obligation unilaterally. Another very effective method, suggested by some countries, would be for the countries concerned to pledge, in a legally binding document, not to be the first to use nuclear weapons. The Soviet Union supported the proposal of the non-aligned countries on the conclusion of a convention among all the nuclear Powers on the non-use of nuclear weapons in general.

6. The Soviet Union invited the Western nuclear Powers to join with it in adopting practical measures to remove the threat of nuclear weapons. Its initiatives were based on the Final Document of the Tenth Special Session of the General Assembly, in accordance with which all States, in particular nuclear-weapon States, should consider as soon as possible various proposals designed to secure the avoidance of the use of nuclear weapons and the prevention of nuclear war with a view to creating the conditions in which a code of peaceful relations among States could be agreed (resolution S-10/2, para. 58). If it was felt that renouncing the first use of nuclear weapons would mean legalizing the use of conventional weapons, the first use of both conventional and nuclear weapons should be banned simultaneously.

7. Acceptance of the proposal of the socialist countries for the conclusion of a treaty concerning mutual renunciation of the use of military force in the relations between States members of the Warsaw Treaty Organization and those of the North Atlantic Treaty Organization would strengthen the principle of non-use of force. Of course, a commitment by any State, whether or not it was a member of a military alliance, not to be the first to use any form of force would also be welcome.

8. The majority of the States members of NATO were stubbornly adopting an obstructionist position with regard to the proposals and confidence-building measures put forward by the Soviet Union. Hiding behind a formula based on the strategy and doctrines of the first use of nuclear weapons, they were inventing pseudo-legal arguments against the proposals, such as the argument that there was no need to reaffirm the provisions of the Charter. The Western countries should stop playing with words and take practical action to enhance the effectiveness of the principle of non-use of force.

(Mr. Petrovsky, USSR)

9. Implementation of the Soviet proposals on the use of outer space exclusively for peaceful purposes for the benefit of mankind (A/39/243) would help keep outer space forever free from the use of force. Likewise, the adoption of a political decision in response to the Soviet initiative on the inadmissibility of the policy of State terrorism and any actions by States aimed at undermining the socio-political system in other sovereign States (A/39/244) would help give effect to the principle of non-use of force. The international community should condemn one of the main sources of aggression and arbitrary rule, namely, the desire of some States to impose forcibly a social system of their own liking on other States. The Mongolian initiative on the right of peoples to peace was another contribution to the creation of moral and political barriers to the use of force in international relations.

10. The Soviet Union felt that progress could be made without delay towards the goal of adopting a world treaty on the non-use of force in international relations. Practical work on a treaty would help create a climate of international trust and a feeling of security. The constructive participation of the major NATO countries in that work would prove that they were serious when they spoke of the desirability of strengthening the régime of non-use of force. A display of good will by States with respect to the prohibition of the use of force would create favourable conditions for implementing practical measures to reduce the threat of war. Progress towards agreement on the text of a world treaty would considerably enhance United Nations efforts to settle international disputes by peaceful means, to eliminate threats to international peace and security, and to turn the United Nations into a true centre for harmonizing the actions of nations and developing relations of peace and co-operation among all its Members.

11. The report of the Special Committee confirmed that the proposal on the conclusion of a world treaty was supported by the overwhelming majority of Member States. The statement made by the Chairman of the Special Committee on 7 March 1984 (A/39/41, para. 122) and the informal paper circulated by him (para. 123) constituted a good basis for the future work of the Special Committee. The Chairman's statement, which took into account the three proposals officially submitted to the Special Committee, strictly complied with the provisions of General Assembly resolution 38/133, was a further implementation of the agreement reached by consensus in 1983 and was in line with the practice followed by the two preceding Chairmen. The informal paper reproduced previous proposals and identified areas where agreement might be reached.

12. It was unfortunate that a number of Western delegations, headed by that of the United States, had attempted, contrary to the expressed will of the overwhelming majority of States Members of the United Nations, to confine the activities of the Working Group to a discussion of various procedural and artificial questions, in an effort to prevent the Special Committee from fulfilling its mandate. Participation in the drafting of a world treaty would be the most eloquent demonstration of the good will of States and their readiness to prove by deeds their desire to prevent dangerous developments in the world.

(Mr. Petrovsky, USSR)

13. The Special Committee at its next session should continue to draw up a composite working paper containing formulations of the basic elements of the principle of non-use of force in international relations, on the basis of the statement reproduced in paragraph 122 of its 1984 report.
14. Mr. KAMARO (Nepal) said that his country abhorred the use of force in international relations, attached great importance to the principles of tolerance and peaceful coexistence, and wished to do all it could to help develop a system which could bring order and peace to international relations. That was why Nepal had joined other non-aligned countries in submitting the revised working paper contained in document A/AC.193/WG/R.2/Rev.1.
15. There seemed to be some disagreement on how to achieve the goal of enhancing the effectiveness of the principle of non-use of force. His delegation held the view that a system was needed which would be within the framework of the Charter, but more specific.
16. However, international peace could not be attained simply through the adoption of new instruments; ultimately, the maintenance of international peace and security depended on the commitment of Member States to abide by the obligations which they assumed and to live in accordance with the principles under consideration.
17. Consideration of the item in recent years had not been fruitless. The Special Committee had identified areas of difference and three basic ways of enhancing the effectiveness of the principle of non-use of force. He emphasized the usefulness of the revised working paper submitted by 10 non-aligned countries as a solid basis for further consideration of the matter. In an effort to be impartial, the working paper had accommodated all the concerns and ideas expressed by various delegations. He concluded by urging that the mandate of the Special Committee should be renewed.
18. Mr. GUTIERREZ (Colombia) said it was paradoxical that mankind had codified laws pertaining to war to a much greater degree than laws concerning peace. In that connection, the situation of the International Court of Justice should be given thorough consideration. While the Court was one of the most important organs of the United Nations, it was in fact authorized to deal only with matters which both parties to an international dispute agreed to submit to it, rather than with any matter which it ought to consider under the Charter.
19. The reference in Article 2, paragraph 3, of the Charter to the settlement of international disputes by peaceful means placed an obligation on all States. Article 1, paragraph 1, of the Charter had been drafted to ensure that the Organization would see to it that international disputes were settled by peaceful means and in accordance with the principles of justice and international law. It was obvious, then, that the Organization's special role was to bring about such settlements. Article 24 stipulated that the Security Council should discharge its duties in accordance with the purposes and principles of the United Nations; it was therefore logical to assume that the same obligation was incumbent upon the General Assembly when discharging its duties. The duty of the political organs of the United Nations to act in accordance with the principles of justice and international law was thus clear.

(Mr. Gutierrez, Colombia)

20. He agreed that disputes which endangered international peace and security concerned not only the parties, but the international community as a whole. It was therefore time to review the question of the compulsory jurisdiction of the International Court of Justice. The Court should cease to be an instrument at the disposal of the parties concerned and should assume a role of its own.

21. His delegation welcomed the conclusions of the Special Committee and remained convinced of the need to return to the letter of the Charter and the spirit of world peace which had inspired its authors.

22. Mr. OKELLO (Uganda) said that very little progress had been made by the Special Committee during its seven years of existence; the results of its most recent session had been particularly disappointing. The report (A/39/41) described a sterile and time-consuming political debate and the subsequent deadlock which continued to characterize the Special Committee's work. His delegation had hoped that the various proposals before the Special Committee would have enabled work to progress in 1984. The 1982 Chairman's proposal in particular had represented an honest attempt to reconcile the various points of view with regard to the conceptual issues and the practical measures contained in the other proposals, and consequently provided a good basis for meaningful work within the Special Committee. He urged that Committee to approach its mandate in the manner suggested in the 1982 Chairman's proposal and called upon all members to demonstrate the necessary political will.

23. His delegation regarded the informal paper submitted by the Chairman in 1984, which was similar in approach to the 1982 proposal, as a constructive contribution to the work of the Special Committee. The paper addressed a number of important issues that required the attention of the international community and sought answers to the questions raised in the respective proposals of the Western European countries, the Soviet Union and the non-aligned countries. Its approach seemed to be in line with the 1983 agreement to list the various elements of those three proposals under a series of topical "headings" with a view to reconciling existing differences further.

24. His delegation favoured the renewal of the mandate of the Special Committee; he therefore proposed that the Sixth Committee should indicate clearly to the Special Committee the need to follow the approach indicated in the informal paper reproduced in paragraph 123 of document A/39/41 and to begin a substantive discussion of the items in question. The Sixth Committee should also instruct the Special Committee to avoid a discussion of the form which the final document would take and to concentrate on the substantive work before it.

AGENDA ITEM 128: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION,
SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES:
REPORT OF THE SECRETARY-GENERAL (continued)

25. Mr. VAN LANSCHOT (Netherlands), speaking in exercise of the right of reply, drew attention to the remarks which the representative of the Islamic Republic of Iran had made at the 12th meeting of the Committee with regard to the attack on the Iranian Embassy at The Hague on 27 September 1984. According to the Iranian representative, the attackers had received encouragement from the fact that those responsible for two previous attacks on that Embassy had received "lenient" sentences in the courts of the Netherlands.

26. In fact, the offenders in the two previous cases had received punishment in accordance with the constitutional law of the Netherlands. The trials had been presided over by impartial judges. With respect to the most recent attack, the Netherlands had offered to compensate the Islamic Republic of Iran for the damage done. The Government of the Netherlands sought to provide optimum protection for all embassies at The Hague and would continue to fulfil scrupulously all its obligations under international law with regard to the protection, security and safety of diplomatic and consular missions and representatives.

The meeting rose at 4.20 p.m.