

United Nations

# GENERAL ASSEMBLY

THIRTY-NINTH SESSION

Official Records\*



SIXTH COMMITTEE  
19th meeting  
held on  
Friday, 12 October 1984  
at 3 p.m.  
New York

## SUMMARY RECORD OF THE 19th MEETING

Chairman: Mr. GOERNER (German Democratic Republic)

### CONTENTS

AGENDA ITEM 126: REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF  
THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS (continued)

\*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

The meeting was called to order at 3.10 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/39/440, A/39/134-S/16418, A/39/360, A/C.6/39/3)

1. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that although the United Nations had been established to save succeeding generations from the scourge of war, there had been some 200 armed conflicts in various parts of the world since 1945. Imperialist aggression had put the world in danger, and the threat of a thermonuclear catastrophe had reached unprecedented proportions. Evidence of imperialist aggression could be seen in Lebanon and Grenada, in the undeclared war against Nicaragua, in the threats against Cuba and the Syrian Arab Republic and in the continuing crises in other regions of the world. Existing tensions had been exacerbated with the deployment of new United States nuclear missiles in several Western European countries. There was therefore a need for urgent measures to remove the threat of war and ensure that relations between States with different social systems developed stably and peacefully.

2. His delegation felt that the world treaty proposed by the Soviet Union could promote that process by excluding force from relations among States and making the non-use of both nuclear and conventional weapons an absolute law of international life. Far from superseding the Charter, such a treaty would promote respect for the Charter obligation on non-use of force in international relations and would help to consolidate the international legal order.

3. His delegation attached great importance to the work of the Special Committee and believed that the statement made by its Chairman on 7 March 1984 and his composite working paper (A/39/41, paras. 122 and 123) represented a good basis for future work towards a world treaty.

4. He regretted that some delegations were continuing their attempts to direct the Working Group towards a discussion of various procedural and contrived questions and had actually departed from the consensus reached at the Special Committee's 1983 session. Their obstructionist approach had also been manifest in the Sixth Committee. Their misgivings were completely unjustified. The reaffirmation, in a treaty, of the principle of non-use of force would enhance rather than weaken its effectiveness.

5. Those delegations also maintained that a treaty would lead to two different legal régimes, one for the States Members of the United Nations and the other for the States parties to the treaty. He stressed, however, that the idea behind a treaty was to consolidate in a legal instrument the progress achieved in the development of the normative content of the principle of non-use of force, as reflected in many international instruments. The advantages of embodying the new elements in a separate instrument were quite obvious.

(Mr. Stepanov, Ukrainian SSR)

6. That process could and should be accompanied by the formulation of specific measures to establish the appropriate political, moral, legal and material guarantees for the exclusion of the threat or use of force in all its forms. An essential step in that direction would be for all the nuclear States to follow the lead of the USSR and respond to the General Assembly's appeal by undertaking not to be the first to use nuclear weapons. Such a commitment could be set forth in a legally binding instrument. Another important step would be to give effect to the Soviet proposal that relations among nuclear-weapon States should be subject to certain rules, which might be agreed among those States and could be made mandatory. Acceptance of the proposal of the socialist countries on the conclusion of a treaty concerning mutual renunciation of the use of military force and the maintenance of peaceful relations between States members of the Warsaw Treaty Organization and those of the North Atlantic Treaty Organization would also be extremely important. That proposal developed and gave practical form to the Charter principle of non-use of force.

7. The Soviet initiatives concerning the prohibition of the use of force in outer space or from outer space against the earth and the question of using outer space exclusively for peaceful purposes for the benefit of mankind were of great importance, as was the declaration on the right of peoples to peace proposed by Mongolia.

8. Mr. ROSENSTOCK (United States of America), speaking on a point of order, said that it might be advisable for the Chairman to remind delegations of the agenda item under discussion. It would take the Committee long enough to hear all the statements on the item without having to hear statements promoting other items.

9. The CHAIRMAN said that the item before the Committee was entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations".

10. Mr. STEPANOV (Ukrainian Soviet Socialist Republic), said that the Committee was in a dangerous position when the representative of the United States took it upon himself to interrupt delegations speaking on the substance of a question before the Committee.

11. Recognition of the inadmissibility of the policy of State terrorism and any actions by States aimed at undermining the socio-political system in other sovereign States, in accordance with the proposal made at the current session by the Soviet Union (A/39/244), would be a major factor in ensuring peaceful inter-State relations and, in excluding the threat or use of force from those relations. The various efforts to establish effective legal obstacles to the use of force in all its forms were extremely important to the further strengthening of the Charter principle. He was therefore surprised that references to such efforts, which were being made within the United Nations, could be considered out of place in the discussion of the item before the Committee. The experience accumulated and the results achieved on the topic should be embodied in a specific legal instrument, a world treaty on the non-use of force in international relations.

(Mr. Stepanov, Ukrainian SSR)

12. His delegation joined the majority in calling for the renewal of the mandate of the Special Committee, which should continue its work on preparing a composite working paper containing detailed wordings of the main elements of the principle of non-use of force, on the basis of the proposals made by the USSR, the non-aligned countries and many Western States. Understandably, the work on that paper presented some delegations with problems which were political rather than legal. Indeed, lack of political will was the reason for the delay in the drafting of an instrument which was essential for the strengthening of the foundations of peace. His delegation was convinced of the need for practical action in the interest of peace and security and in order to remove the threat of a nuclear catastrophe.

13. Mr. TELLEZ (Nicaragua) said that the mere existence of nuclear arsenals was a potent argument for reaching an accord on enhancing the effectiveness of the principle of non-use of force in international relations. Moreover, force was actually being used against various countries of the world in flagrant violation of the most elementary Charter obligations. For example, force was constantly being applied in an attempt to destroy the Nicaraguan revolution, which the United States claimed was threatening its security.

14. At the end of 1983, the Reagan Administration had obtained \$24 million to be used in direct support of CIA military operations in Nicaragua. In March 1984, CIA-financed groups, equipped with the latest weapons, had launched a heavy offensive, even as the counter-revolutionary forces had triumphantly proclaimed that they had mined Nicaraguan ports, in effect tightening their economic blockade of Nicaragua. The result had been a serious disruption of Nicaragua's international trade. Its appeal to the Security Council had met with a veto of a Council resolution which would merely have requested that Nicaragua should be allowed to exercise basic rights in full freedom. On that occasion, however, the international community had conveyed its great indignation to the United States over such a barbarous action.

15. Nicaragua believed that the best way to avert suffering for its people was to seek to settle its differences through international legal means. It had thus taken its case to the International Court of Justice, which, in its decision of 10 May 1984 (S/16564), had called for the immediate cessation by the United States of "any action restricting, blocking or endangering access to or from Nicaraguan ports, and, in particular, the laying of mines", and had asserted that the right to sovereignty and to political independence possessed by the Republic of Nicaragua, like any other State of the region or of the world, should be fully respected and should not in any way be jeopardized by any military or paramilitary activities which were prohibited by the principles of international law, in particular the principle that States should refrain in their international relations from the threat or use of force against the territorial integrity or the political independence of any State, and the principle concerning the duty not to intervene in matters within the domestic jurisdiction of States, principles embodied in the United Nations Charter and the Charter of the Organization of American States".



(Mr. Tellez, Nicaragua)

16. United States aggression, however, had not stopped. Spy planes were constantly being flown over Nicaraguan airspace, a constant level of naval and land manoeuvres was being maintained, the violation of Nicaraguan territorial waters continued, and a United States military presence remained entrenched in Honduras. As Nicaragua had stated in the plenary Assembly, the United States aggression had caused over 7,000 casualties, which was proportionately equal to three times the total United States casualties in the Viet Nam war. Moreover, the economic damage caused by the aggression was mounting. Losses in the 1981-1984 period had totalled \$237 million, which, if calculated in terms of proportionate total export rates, would represent a loss of \$102 billion for the United States and \$284 billion for the European Economic Community during that same period.

17. His country's sad experience with foreign intervention made it appreciate the full value of efforts to achieve a more secure world based on mutual respect and fulfilment of commitments. The drafting of a world treaty on the non-use of force in international relations would not solve all the problems, but would unquestionably be an important step towards peace. Unfortunately, over the years there had been delegations which, using the most specious arguments, such as those reproduced in paragraphs 31 to 34 of the report of the Special Committee (A/39/41), had denied that such a step would in any way promote world trust. His delegation believed that the Special Committee, which had achieved little in 1984, should devote all possible time to considering substantive questions rather than holding an unproductive general debate. The informal paper reproduced in paragraph 123 of its report was a good basis for its future work.

18. Mr. ENGO (Cameroon) said that Cameroon wanted to give its views on the central issues without being drawn into political diatribes. The Sixth Committee's mandate to formulate legal definitions that would promote world peace and security should extend to seeking means of enlarging the legal background of issues with political ramifications. That involved negotiations on the basis of specific proposals. To disband the Special Committee would be premature; experience had shown that the more important the issue the harder it was to win consensus. Some aspects of the issue of the non-use of force were political and had to be negotiated. The principles of the Charter must be protected and not undermined; yet opportunities to promote the desirable and progressive development of international legal principles in order to meet the demands of changing times must not be lost. Such development of the principles would, of course, always require universal endorsement and would always go hand in hand with successful political negotiations elsewhere.

19. An escalating arms race, in what would probably be remembered as the most militarized "peacetime" in history, was undermining the basic purpose of the United Nations and represented the most pernicious destabilizing factor in contemporary international relations. The arms race fostered further military spending, sowed distrust among States and worsened the already precarious social and economic situation, especially in the developing countries.

(Mr. Engo, Cameroon)

20. Disarmament was crucial to any viable or lasting security arrangement. The United Nations had a primary responsibility in the field of disarmament and provided a permanent forum for disarmament negotiations. That parallel means of enhancing the principle of non-use of force should be actively promoted. In such a critical undertaking, the idea that the rules of international law must be progressively developed had to be given careful consideration.

21. Mr. HOQOUQ (Afghanistan) said that, in the interests of international peace and security, it was a primary task of the international community to enhance the effectiveness of the principle of non-use of force in international relations. The international climate was worsening as a result of numerous small-scale wars and threats or uses of force in various forms, by which the warmongering imperialists were seeking to advance their designs.

22. The Middle East continued to be an arena for the naked use of force, as a direct result of the adventurist and interventionist policies of the initiators of the doctrine of "peace through force".

23. An open demonstration of force was taking place in Central America and the Caribbean, where Nicaragua continued to be the object of interference, including military intervention by armed bands of mercenaries from neighbouring countries, aimed at undermining the national democratic revolution of the Nicaraguan people.

24. In southern Africa, the aggressive activities of the Pretoria régime were directed against the sovereign States of the region, notably in an undeclared war against Angola.

25. Afghanistan was also the victim of an undeclared war waged by the imperialists in contempt of all international legal and moral standards. Exactly one month after the victory of its revolution of April 1978, Afghanistan's enemies had conspired to commit outright aggression in an undeclared war against its people and revolution, a war which had recently been escalated in spite of Afghanistan's realistic proposals for the normalization of the situation.

26. Afghanistan firmly believed that the adoption of a world treaty on the non-use of force would be an effective means of preserving world peace and therefore welcomed the Soviet initiative. Such a treaty would reaffirm and elaborate upon the generally acknowledged principle of non-use of force set forth in the Charter.

27. The report of the Special Committee (A/39/41) clearly showed the progress it had made. Afghanistan supported the approaches reflected in paragraphs 19 to 30 of the report and did not agree that the adoption of a world treaty would weaken the fundamental obligations under the Charter. On the contrary, it would strengthen those obligations not only by prohibiting the threat or use of force, but also by outlawing the use of all weapons, including nuclear weapons.

28. The Soviet Union had already made the unilateral commitment not to be the first to use nuclear weapons. The international community was still waiting for

(Mr. Hogouq, Afghanistan)

the other nuclear Powers to make such a commitment, which, together with the drafting of a world treaty, would be a vital step towards enhancing the principle of non-use of force.

29. Mr. SANGSOMSACK (Lao People's Democratic Republic) said that despite Charter principles to the contrary and the efforts of the Movement of Non-Aligned Countries and other organizations, the peoples of Asia, Africa and Latin America were frequently victims of the use of force and the violation of national sovereignty.

30. Western militarist circles were continuing to step up the senseless arms race, particularly the nuclear-arms race, to expand their bases and military installations in the territories of other sovereign States and to conduct joint military exercises in various parts of the world.

31. The point of all such manoeuvres was to create a war psychosis to justify and foster the growing use of force. The Middle East and southern Africa were theatres of bloody wars. In Central America and the Caribbean, an already explosive situation had been aggravated by threats of aggression against Cuba and Nicaragua and by repression against peoples struggling to exercise their right to self-determination. Small States which had opted for social progress were constantly being subjected to intervention, aggression, embargoes and economic sanctions.

32. All peace-loving peoples must join together to prevent nuclear war. The Soviet Union, which had already made a unilateral commitment not to be the first to use nuclear weapons, had made a timely proposal for the drafting of a world treaty on the non-use of force, and had invited the General Assembly to consider the question of the use of outer space exclusively for peaceful purposes for the benefit of mankind (A/39/243).

33. Similarly, Mongolia, which had already proposed a non-aggression treaty prohibiting the use of force in relations between the countries of Asia and the Pacific, now had proposed an agenda item on the question of the right of peoples to peace. Its initiatives for regional and world peace should be energetically supported.

34. The Special Committee should pursue its efforts towards peace by continuing its work on the provisions of a future world treaty, on the basis of the Chairman's statement (A/39/41, para. 122) and the various proposals submitted.

35. His Government was unalterably opposed to the use of force to settle conflicts among States. It desired to live in harmony with all States. Hence its restraint in response to the recent attack upon three Lao villages and their occupation by Thai troops. It had twice sent government delegations to negotiate with Thailand, which had unilaterally withdrawn from the process of peaceful settlement. Despite that regrettable development, the Lao People's Democratic Republic continued to hope that Thailand, aware of the danger to regional peace and security that its action had posed, would respond positively and promptly to the constructive Lao

(Mr. Sangsomsack, Lao People's)  
Democratic Republic)

proposals made in recent statements before the plenary Assembly and the Security Council. By so doing, Thailand would be reaffirming the joint Lao-Thai declarations of 1979 guaranteeing peaceful borders between the two States.

36. His Government favoured the elaboration of a world treaty on the non-use of force as a way of eliminating the dangers of aggression and occupation and of establishing a climate of trust and co-operation.

37. Mr. ALI (Democratic Yemen) said that violations of the principle of non-use of force in international relations on the part of the imperialist States were not only blatant but were becoming more frequent. Aggression had even become part of the policies of certain States. The sovereignty of numerous countries had been violated, local inhabitants had been expelled from their homes and attempts had been made to overthrow national régimes by force. On flimsy grounds unacceptable to intellect or logic, displays of military might had taken place close to the borders and in the territorial waters of a number of States in various regions, including his own.

38. As a non-aligned country, Democratic Yemen supported the proposal made by the non-aligned States members of the Special Committee, for it was convinced that that initiative would have a positive and valuable influence on the conduct of international relations and would lead to new prospects for the cause of international peace and security. Democratic Yemen also had high regard for the Soviet initiative.

39. His delegation, like many others, was disappointed with the inaction of the Special Committee, which had failed to make progress as a result of the obdurate, obstructive and unrealistic position of certain States. The Special Committee was dealing with a subject of great relevance to international relations and international law. His delegation was confident that enhancing the principle of non-use of force would help provide an international guarantee of the integrity and stability of the States and peoples of the world, just as it would reinforce the principle of non-interference in the internal affairs of States, the right of peoples to self-determination and the principle of peaceful settlement of disputes. Consequently, his delegation would fully support the renewal of the Special Committee's mandate.

40. Mr. DAZA (Chile) endorsed the general disappointment expressed by previous speakers that the Special Committee had made virtually no progress because the positions of the different groups had not changed since its establishment in 1977. Many delegations had criticized that Committee for not allocating enough time for meetings of its Working Group and for spending too much time on general debate, questions of organization and adoption of the report.

41. The possibilities of success of a subsidiary body established by the General Assembly were directly related to the degree of agreement on its terms of reference. If they aroused the opposition of an important group of countries, as

(Mr. Daza, Chile)

in the case of the Special Committee, the possibilities of success were slim. The sponsors of the proposal had shown no flexibility over the past seven years, and he appealed to them not to prevent consensus at the current session.

42. His country had always attached the greatest importance to the principle of non-use of force, which was the corner-stone of its foreign policy. His delegation noted with dismay that some States were using armed force as an instrument of their foreign policy. The cases of Afghanistan and Kampuchea were two dramatic examples.

43. The threat or use of force was not caused by deficiencies in international law or ambiguity in the relevant rules, which were absolutely clear. Chile was therefore not in favour of the codification work being undertaken by the Special Committee. The non-use of force could better be promoted by strengthening the procedures, institutions and means for the prevention of conflicts or for their peaceful settlement. Full respect for the obligation to settle disputes exclusively by peaceful means would obviously enhance the effectiveness of the principle of non-use of force. Despite the complementarity of those principles, the evolution of their respective legal régimes had not been parallel. The Charter clearly prohibited the use of force but was less categorical with respect to the peaceful settlement of disputes. Article 33 left the parties to a dispute free to choose the peaceful means by which it should be settled. That was an area in which the Special Committee could do useful work. The strengthening of the role of the International Court of Justice in the settlement of disputes was very important, as was the promotion of compulsory methods of peaceful settlement.

44. His delegation had sponsored the suggestion to add to the list of topics proposed by the Chairman of the Special Committee at its fifth session respect for and fulfilment in good faith of international obligations, as a necessary condition for the maintenance of international peace and security.

45. Mr. GRANIZO (Ecuador) expressed regret that the positions maintained for several years by the different groups in the Special Committee had not changed. There was the danger that its sessions would continue to be embroiled in interminable discussions, the only result of which would be to make any hope of a viable solution increasingly remote.

46. Ecuador believed that international disputes should be settled in full compliance with the basic principles of the Charter. In its determination to avoid friction between States, especially neighbouring States, and to create an atmosphere propitious to the search for peaceful means of settling disputes, Ecuador had invited States in the region to conclude non-aggression pacts.

47. His country was committed to the principles of non-interference, self-determination of peoples, and peaceful settlement of disputes. It advocated respect for ideological pluralism and human rights and condemned all forms of intervention, aggression and colonialism, as well as the acquisition of territory by force.



(Mr. Granizo, Ecuador)

48. Ecuador supported the resumption of negotiations to find a peaceful settlement to the dispute over the Malvinas as soon as possible. It supported the withdrawal of foreign forces from all territories, whether in Afghanistan, Lebanon, the Middle East as a whole, Cyprus, Kampuchea, Namibia or Chad. As far as Central America was concerned, Ecuador rejected all attempts to destabilize States, to interfere in their internal affairs or to deploy foreign forces.

49. Ecuador had supported the adoption of the Manila Declaration in the hope that it would enhance the effectiveness of the system for the peaceful settlement of disputes. His delegation wished to reiterate its support for the strengthening of the principle of non-use of force in international relations, which was essential to the preservation of peace and the promotion of development.

50. Mr. HAYASHI (Japan) said that the Japanese Constitution prohibited the threat or use of force as a means of settling international disputes. Japan was therefore ready to participate actively in any realistic exercise likely to advance the principle of non-use of force, which was the basis of its foreign policy.

51. Like other delegations, his delegation had repeatedly stressed that the conclusion of a world treaty on the non-use of force, a principle already clearly set forth in the United Nations Charter, would be of doubtful relevance and might even be harmful. The reasons for those objections were summarized in the Special Committee's report (A/39/41, paras. 31-33).

52. Once again, the Special Committee's session had ended in deadlock, mainly because the sponsor of the agenda item was still pressing for a world treaty. If that Committee's mandate was to be renewed, it must be changed from the drafting of a treaty to the achievement of some more realistic goals, in view of the deep gap between its members.

53. His Government maintained that one way to enhance the effectiveness of the principle of non-use of force was to implement specific measures to strengthen the principle of peaceful settlement of disputes. If effective mechanisms were readily available to the parties to an international dispute, many such disputes could be settled at an early stage without the use of force. The Special Committee should reorient its attention in that direction.

54. It was deeply regrettable that the Special Committee's work was characterized by the repetition of the same arguments year after year. The tendency of some members of that Committee to produce, over the strong objections of other groups of States, a certain type of paper as if it were the end result of its work had become an obstacle to substantive progress, which would become possible only when a basis acceptable to the principal negotiating groups was found.

55. His delegation reiterated its appeal to all delegations to review the Special Committee's mandate and explore realistic alternatives, so that a further repetition of unproductive sessions might be avoided.



56. Mr. BUBEN (Byelorussian Soviet Socialist Republic) said that the main purpose of the United Nations was to maintain international peace and security. Experience had shown that that purpose could be achieved only through joint action against aggression and against the suppression of freedom, with a view to strengthening respect for the sovereignty and equality of States and for the rules and principles of peaceful coexistence, regardless of differences in social and political systems. The Soviet proposal on the drafting of a world treaty on the non-use of force was aimed precisely at strengthening and developing such rules and principles.

57. Given the deterioration of the world situation, as a result of the attempts by aggressive imperialist circles to solve problems by the threat or use of force, it was essential that work on the treaty should be completed as soon as possible. The conclusion of a world treaty would create favourable conditions for reducing and subsequently eliminating the threat of war, would outlaw the use of military force in general and would guarantee mankind a peaceful future, thus strengthening the provisions of the Charter of the United Nations. The joint recognition by the nuclear Powers of certain norms governing peaceful relations, their commitment not to be the first to use nuclear weapons and the implementation of the socialist countries' proposal on the conclusion of a treaty on the mutual renunciation of the use of military force and the maintenance of peaceful relations between States members of the Warsaw Treaty Organization and those of the North Atlantic Treaty Organization would all constitute important steps towards the conclusion of a world treaty on the non-use of force. The Soviet initiatives concerning the use of space exclusively for peaceful purposes for the benefit of mankind (A/39/243) and 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) were of great importance, as was the Mongolia proposal concerning the right of peoples to peace.

58. The conclusion of a world treaty would greatly enhance the effectiveness of the United Nations in settling international disputes peacefully and removing threats to international peace and security. It would turn the Organization into a forum for harmonized action to develop relations of peace and co-operation among all States.

59. The Special Committee had made some progress at its 1984 session. All the groups of States in that Committee had set forth their views on the principle of non-use of force and had agreed with the formulation of the main elements of the principle. Consensus had been achieved in the Working Group on a detailed discussion of the "headings", together with the corresponding provisions of the three official proposals. A number of constructive ideas had been expressed with respect to the possible content of the main elements of the principle. The statement by the Chairman reproduced in paragraph 122 of the report (A/39/41) had been an important event in the work of the session and had given effect to the agreement reached at the 1983 session. It was a constructive contribution to the future work of the Special Committee, since it organized into a logical framework material that had to be subjected to further analysis. Thus, the Special Committee would be able to begin, at its next session, a purposeful discussion of specific proposals with a view to considering, in first reading, formulations of the elements of the principle of non-use of force.

(Mr. Buben, Byelorussian SSR)

60. There were obstacles to the drafting of a world treaty. Its opponents were again arguing that such a treaty would weaken the principle of non-use of force and would amount to amending the Charter. It was, however, quite clear that an instrument aimed at achieving compliance with the principle of non-use of force could not be at odds with that principle. The proposed treaty would reaffirm and give practical form to obligations that States had already assumed; it could not in any way impair the effectiveness of the Charter. Work on a treaty was in full accordance with the established United Nations practice of developing and giving practical form to the provisions of the Charter. The opponents of a treaty would have one believe that the numerous international instruments already adopted by the United Nations undermined the Charter and resulted in the establishment of different legal régimes. There was clearly no basis for such an argument in view of the provision contained in Article 103 of the Charter.

61. The drafting of a world treaty would not undermine the principle of pacta sunt servanda. Those who advanced that argument were merely attempting to find loopholes, to circumvent and misinterpret the principle of non-use of force, and to legitimize the unlawful use of armed force.

62. The attempts to create confrontation or fruitless discussion were not conducive to practical progress. If, however, all members of the Special Committee acted in a spirit of compromise and co-operation, work could be successfully completed on a new and essential legal instrument which would develop a fundamental principle of international law. His delegation felt that all the necessary conditions were present for the Special Committee to fulfil its mandate in the near future and draft the world treaty. Practical work on such an instrument would help dissipate mistrust and build an atmosphere of confidence and mutual understanding among peoples, which was so necessary in view of the existing international tension.

63. Mr. GARVALOV (Bulgaria) said that in the 10 years since the introduction of the Soviet proposal to draft a world treaty on the non-use of force in international relations, the urgency of the matter had not diminished. On the contrary, there was an increased danger of a devastating nuclear war due to the policy of confrontation of certain imperialist circles and the escalation of the arms race.

64. For 40 years, Bulgaria had consistently pursued a foreign policy based on the principle of peaceful coexistence among States with different social systems, which it considered the only sensible alternative to confrontation. That policy had demonstrated its viability and was fully in accordance with the principles of the Charter and of contemporary international law. Bulgaria remained ready to take practical action to avert the danger of nuclear war and remove the threat or use of force from international relations. Non-use of force, which was also a fundamental principle of Bulgaria's foreign policy, arose from the very essence of the country's social and economic system.

(Mr. Garvalov, Bulgaria)

65. After proposing a world treaty on the non-use of force, the socialist countries had made a number of proposals to strengthen international peace and security, including the conclusion of a treaty on the mutual renunciation of force and the maintenance of peaceful relations between the Warsaw Treaty Organization and the North Atlantic Treaty Organization, to which the latter had not yet responded. Other proposals had been the inclusion of related items in the agenda of the General Assembly. Implementation of the proposals on the use of outer space exclusively for peaceful purposes for the benefit of mankind (A/39/243) and on State terrorism (A/39/244) would make a major contribution to enhancing the principle of non-use of force. Other proposals made by the socialist countries at the international and regional levels also made a substantial contribution to the maintenance of world peace and security.

66. The conclusion of a world treaty on the non-use of force would help to strengthen the international legal order and develop the norms and principles of contemporary international law. It had been contended that the effectiveness of the principle of non-use of force would not be enhanced by the drafting of a legally binding instrument and that the development of that fundamental Charter principle in a separate instrument could weaken the Charter as a whole. His delegation disagreed. The adoption of the Declaration on Friendly Relations and Co-operation among States, the Definition of Aggression and other documents demonstrated that the codification and progressive development of international law, by specifying the scope of basic principles, was warranted in today's complicated international situation. The drafting of a separate instrument prohibiting the use of force in international relations would be an eloquent example of such progressive development and codification.

67. The progress achieved by the Special Committee at its 1984 session was all the more valuable when seen against the background of continuing attempts to divert attention from its primary objectives. The compilation of proposals under the seven "headings" was the next logical step towards the fulfilment of that Committee's mandate and could serve as the basis for a single working text on which its future work could continue. Consequently, his delegation would support a draft resolution reflecting the progress achieved at the Special Committee's 1984 session and renewing its mandate. Bulgaria would continue to make its constructive contribution to the international community's efforts to eliminate the threat or use of force from international relations.

68. Mr. RIVERA (Peru) expressed appreciation of the progress made by the Special Committee, although many essential questions remained to be resolved. He wondered if there was still time to adopt a constructive approach that would enable work to continue towards a specific objective which met with general support. In his current report on the work of the Organization, the Secretary-General had said that the three main elements of a stable international order, one of which was an accepted system of maintaining international peace and security, had yet to take hold as they should; the most vital problems prompted heated rhetoric rather than a reasoned co-operative approach (A/39/1, p. 4). The item before the Special Committee was a clear example. The extreme positions were not becoming more

(Mr. Rivera, Peru)

flexible; yet if agreement were reached all sides would be the winners. The non-aligned countries had made concerted efforts to find a basis for agreement, so far without success.

69. Throughout the discussions on the item, Peru had supported the strengthening of the principle of non-use of force and all proposals which reaffirmed the fundamental principles of the Charter. As a non-aligned country, it maintained that international peace and security were based on the obligation of States to refrain from the threat and use of force.

70. His delegation, like others, was worried about the future of the Special Committee, especially as some members did not support its continuation. Their scepticism should be countered by reminders of the valuable experience acquired by the United Nations in the codification of international law. For example, the law of the sea had been developed gradually and had become generally accepted. The task before the Special Committee could follow the same course, and resistance and obstacles would gradually be overcome. His delegation firmly believed that the Special Committee should continue its work.

71. Mr. AKDAG (Turkey) said that his delegation's views on the item under consideration were based primarily on the well-balanced system embodied in the Charter, whose integrity should be scrupulously preserved. Any attempt to enhance the effectiveness of the principle of non-use of force must take into account its corollaries, namely, the principle of peaceful settlement of disputes, of pacta sunt servanda and of self-defence, as provided for in the Charter.

72. As to the Special Committee's work, it was clear that the differences of opinion were as profound as ever, whether on form, substance or method of work. Accordingly, the Special Committee was not in a position to elaborate any legal instrument that would be acceptable by consensus. The Sixth Committee must therefore decide, by mutual agreement, how the Special Committee should proceed.

73. The allegations made by the representative of Greece at the Committee's preceding meeting (A/C.6/39/SR.18) had distorted the historical reality and the rules of international law. Turkish armed forces were stationed in Cyprus in accordance with the provisions of the Treaty of Guarantee, signed at Nicosia on 16 August 1960, which were based on the principle of self-defence embodied in Article 51 of the Charter. Clearly, a State party to the Treaty of Guarantee could not expect to be allowed to destroy the constitutional order of another State by means of a coup d'état and to plot annexation and the annihilation of an entire community, claiming that that was justified under international law.

74. The Secretary-General was making sincere efforts to solve the Cyprus problem, and the Turkish Republic of Northern Cyprus was supporting those efforts just as sincerely.

75. The statement made by the Greek representative was obviously intended to undermine the negotiations being carried out under the auspices of the Secretary-General. Turkey was determined not to pursue that path of controversy and provocation.



76. Mr. OLUKOLU (Nigeria) said that the mere existence of Article 2, paragraph 4, of the Charter should not prevent the Special Committee from elaborating a treaty on the non-use of force which took account of developments in international law and practice since 1945. Such a treaty would go a long way towards enhancing the prospects for peace, stability and security, particularly at a time when the world was threatened with destruction through the use or misuse of nuclear weapons.

77. The need for such a treaty was underscored by the fact that, in spite of the provisions of Article 2, paragraph 4, of the Charter, there had been instances of flagrant violation of the territorial integrity of some Member States. In recent times, some powerful States had committed acts of aggression against the territories of their weaker neighbours under the pretext of the discredited legal notion of spheres of influence. An example of that was the racist régime of South Africa, which was attempting to use that notion to enforce the colonialist idea of a constellation of States in southern Africa. In other areas, some countries had used their so-called security interest as a pretext for invading the territories of their smaller neighbours.

78. The informal paper reproduced in paragraph 123 of the Special Committee's report (A/39/41) represented the basic conceptual framework for a treaty on the non-use of force, but further discussions on the general framework were needed before the substantive articles were given further consideration.

79. His delegation believed that, with sincerity of purpose and a sense of realism on the part of its members, the Special Committee would successfully accomplish its task. In that regard, a treaty - as opposed to a declaration of certain related principles - would appear to be a better answer to the current problems posed by the use of force in the settlement of disputes.

80. His delegation had carefully studied the proposals contained in the informal paper and, at an appropriate time and place, would make its own proposals with a view to contributing to the substance of a treaty. For the time being, it wished to suggest that the status of national liberation movements which were fighting for self-determination against alien colonial and racist occupation and domination should be properly spelt out in the document to be prepared.

81. In the case of South Africa, the United Nations had, for over a decade, condemned apartheid as a crime against humanity and had recognized the legitimacy of the national liberation struggle against the racist régime. The liberation movements in South Africa thus had a right to seek and obtain assistance in defending themselves against the international crime of apartheid and a right to participate in collective self-defence measures against the domestic and external terrorism of the apartheid régime.

82. That legitimate use of force was also recognized in Additional Protocol I to the Geneva Conventions of 1949. The provisions of that Protocol and the development of international customary law showed a commitment on the part of the international community to assimilate the struggle against apartheid into the scheme of humanitarian law which regulated international armed conflicts. Consequently, his delegation wished to see that development reflected under "heading" D dealing with the legitimate use of force.

(Mr. Olukolu, Nigeria)

83. The report of the Special Committee provided a very useful basis for action on the proposed treaty on the non-use of force. What was required was political will, as well as a change of attitude on the part of Member States towards the need for such a treaty. If the Special Committee failed to produce such a treaty, many nations would continue to live in perpetual fear of aggression, nuclear attack and domination by the stronger nations. The only way to face the challenges of the current situation was to work out an acceptable treaty, which would no doubt take account of Article 2, paragraph 4, of the Charter.

84. Mr. PETROVSKY (Union of Soviet Socialist Republics) said that in spite of the attempts by some to impede the progress, the debate on enhancing the effectiveness of the principle of non-use of force in international relations had been, on the whole, business-like and constructive; it had clearly indicated the serious concern of the overwhelming majority of States at the current sharp deterioration in the international situation and at the increased threat of the use of nuclear weapons. More than one delegation had emphasized that, because of the increased threat of nuclear war, the proclamation of doctrines admitting the possibility of such a war, and the perpetration of aggressive acts in various parts of the world, the task of developing and further defining the principle of non-use of force had become extremely urgent. Every effort should be made to create a body of international law that would bar the use of force, whether it involved conventional weapons or nuclear weapons.

85. The debate had revealed the far-fetched nature of the arguments of those delegations which continued to obstruct the formulation of a normative document on the non-use of force. As the representative of Ethiopia had correctly pointed out, if arguments to the effect that such an instrument would undermine the principle of pacta sunt servanda and contradict the provisions of the Charter had prevailed in the Organization, not one United Nations treaty or convention would have been adopted.

86. Most delegations wished to see the Special Committee proceed at a brisker pace so that it could successfully complete the task before it. At the same time, some delegations had made statements aimed at hindering progress on the elaboration of a world treaty, claiming that the proposal for such a treaty was outdated, that the Soviet position on that question had remained basically unchanged and that the principal elements of that position were repeated from year to year.

87. There was no reason why the Soviet position should change. The danger of the use of force had not diminished; the task of preventing the use of force had not become outdated. The world situation had not improved; rather tension had increased. The arms race was assuming more and more threatening proportions. There were attempts to promote the concept of the acceptability of the use of force, thus ending mankind's age-old dream of a world without weapons, free of the threat of force. That concept had become the official philosophy of the current Washington Administration, which was seeking to use force to refashion the world to suit American needs and to impose the will of the United States upon other countries. Specific actions had clearly confirmed that that was indeed the most important aspect of American foreign policy.



(Mr. Petrovsky, USSR)

88. Since 1976, when the proposal for a world treaty on the non-use of force in international relations had first been made, world events had only reinforced the urgent need to draw up laws aimed at preventing States from basing their foreign policy on the use of force. The proposal was not obsolete and could not become obsolete as long as aggressive acts continued to be committed and as long as the threat of war persisted.

89. The representative of the United States had attempted to create the impression that the normative approach to enhancing the effectiveness of the principle of non-use of force was wrong. The fact was that the norms of international law had come into being through the progressive development and codification of the general principles of the Charter of the United Nations. The normative method was one of the most effective means of strengthening the principles of the Charter in international relations.

90. The principle of non-use of force had been reaffirmed and further defined in various international legal instruments. The Final Document of the Tenth Special Session of the General Assembly unambiguously prohibited the use of force in international relations. The Soviet proposal for a world treaty was based on a time-tested international practice. The purpose of such a treaty was to consolidate and define more precisely the principle of non-use of force and to ensure that it was scrupulously repeated by all States without exception.

91. The Soviet Union was constantly advancing new initiatives with a view to enhancing the effectiveness of the principle of non-use of force. It had assumed the unilateral obligation not to be the first to use nuclear weapons and had called upon the other nuclear-weapon States to follow suit. In response to the West's claim that the Soviet proposal failed to take conventional weapons into account, the Soviet Union and the other States members of the Warsaw Treaty Organization had proposed to the NATO alliance the conclusion of a treaty on the mutual renunciation of military force and the maintenance of peaceful relations. The Soviet Union was prepared to implement other related proposals and to do its utmost to erect effective moral, political and legal barriers against the use of force.

92. However, all the Soviet initiatives had met with a negative reaction on the part of the Western countries, first and foremost the United States. That country was prepared to pay lip-service to the principle of non-use of force; recently, the General Assembly had heard a statement about the elimination of the threat of force and the need to reaffirm obligations with respect to the non-use of force. But, as soon as it came to practical measures for reaffirming those obligations, enhancing the principle of non-use of force and preparing normative instruments, the United States assumed a sharply negative position and rejected the very idea of such work.

93. Evidently the reason for such a double standard was to be found in the policy of the current American Administration, for which the use of force was the basis for relations with other States. That could be refuted not by words, but only by concrete deeds aimed at lessening tension in the world and maintaining normal relations among countries. With political will, progress could be made in that direction.

(Mr. Petrovsky, USSR)

94. The Soviet Union was convinced that the task of enhancing the effectiveness of the principle of non-use of force and concluding a world treaty on that question was a matter of extreme urgency. It required serious work, not the useless and endless polemics of confrontation which were persistently being forced upon the Special Committee. Such a complex and comprehensive document as the proposed treaty could not be elaborated in a single day, but even agreement to begin work on it would be a demonstration of the will to normalize the international situation and would help create an atmosphere of confidence in the world. For that reason, the Soviet Union proposed that work on the conclusion of a world treaty on the non-use of force in international relations should begin without further delay.

95. In conclusion, the Soviet Union wished to associate itself with the Nigerian statement concerning the need for sincerity of purpose and a sense of realism in the work of the Special Committee.

96. Mr. NIYOMRERKS (Thailand), speaking in exercise of the right of reply, said that his Government made it a policy to settle all its disputes by peaceful means in accordance with the rules of international law, particularly those relating to the non-use of force. It had always pursued that policy in connection with its border problems, whether or not the outcome had benefited Thai interests.

97. His Government viewed the Thai-Lao border incident as a minor problem which could occur anywhere. It involved 19 square kilometres of land, 1,100 people and three villages. It had occurred when Thai workers building a road had been harassed by Lao villagers.

98. Convinced that such an issue should not stand in the way of improved relations between two peoples who spoke the same language and shared a common frontier, Thailand had agreed to negotiate with the Lao People's Democratic Republic. However, its efforts had thus far been fruitless.

99. In view of the brotherly relations between the two countries, his Government had removed the Thai troops from the three villages in the hope of achieving a peaceful settlement. The question was one which could be resolved bilaterally; it must not be complicated by the intervention of third countries.

100. Mr. ECONOMIDES (Greece), speaking in exercise of the right of reply, observed that the representative of Turkey had attempted the impossible by trying to justify his Government's commission of acts which amounted to international crimes and to diminish Turkey's enormous responsibility for the illegal use of armed force against a small defenceless republic. The comments made by the representative of Turkey could not withstand even a superficial examination.

101. He asked how Turkey could justify its second intervention in Cyprus, where law and order had been completely restored, or the occupation by Turkish armed forces of a large part of the island for more than 10 years, or the illegal creation as a result of military occupation of an artificial Turkish-Cypriot State.

(Mr. Economides, Greece)

102. Turkey had committed an act of aggression against Cyprus for expansionist and imperialist motives, as was reflected in several resolutions adopted by the Security Council and the General Assembly respectively.

103. Mr. SANGSOMSACK (Lao People's Democratic Republic), speaking in exercise of the right of reply, stressed that Thai troops had deliberately attacked and occupied the three villages in question. His country had proved that those villages were located within Lao territory, and both the Non-Aligned Movement and the Security Council had already examined that issue.

104. The occupation of foreign territory could not be considered to be a minor incident, regardless of the size of the the territory concerned. Moreover, 3,000 troops had been used to attack and occupy the villages. Although the Thai Government had announced the withdrawal of its troops, it had subsequently referred to that step as a redeployment.

105. His Government could not agree to the sending of a joint team to visit the border region, for that would amount to challenging a clearly defined border, in contravention of the principle of the inviolability of the colonial frontiers. Moreover, that incident was not a border dispute; it concerned the occupation of Lao territory.

106. A settlement could be reached only after the withdrawal of Thai troops, the provision of compensation for damage and a return to the situation existing prior to 6 June 1984.

107. As to negotiations, Lao representatives had gone to Bangkok on two occasions, but the talks had been broken off by Thailand. A Lao-Thai border committee had been formed previously for the settlement of disputes and, in the past, had produced satisfactory results. Accordingly, Thailand should have requested the convening of that committee, instead of mobilizing 3,000 troops, with armoured reinforcements, to carry out a premeditated attack on the three villages. The fact was that the road being built by Thai workers had entered Lao territory and had merely been a pretext for the attack.

108. His Government would continue to seek a peaceful solution to the problem and was prepared to resume negotiations with Thailand, once the latter had withdrawn its troops and had normalized the situation in the villages.

109. Mr. ROSENSTOCK (United States of America), speaking in exercise of the right of reply, observed that, at the current meeting, the Committee had been obliged to hear the representatives of the Ukrainian SSR, the Byelorussian SSR and the USSR extol the virtues of a treaty on the non-use of force, without explaining any of the reasons for that position. They had also discussed unrelated items and had complained that the United States was delaying the Committee's work. They were the ones delaying its work; and they were posing as great peace-lovers, while occupying Afghanistan. The Soviet Union refused to consider concrete confidence-building measures but referred to a redundant treaty as a practical measure and was

(Mr. Rosenstock, United States)

poisoning the debate with accusations against the United States, only to turn around and accuse others of engaging in polemics.

110. In describing its view of its relations with the United States, Nicaragua had failed to mention that it was shipping arms to its neighbours in order to foment civil strife; it had overlooked the right of its neighbours to self-defence. His delegation's view of that issue was contained in paragraph 177 of the Special Committee's report to the General Assembly at its thirty-sixth session (A/36/41). Even if Nicaragua's version of reality were accurate, the adoption of a world treaty would be neither useful nor necessary.

111. Mr. AKDAG (Turkey), speaking in exercise of the right of reply, observed that the allegations put forward by the representative of Greece reflected the fact that Greece had violated the 1960 Treaty and Constitution in its attempt to occupy Cyprus by armed force.

112. Turkey's position on that issue had been supported by other Member States. In that connection, he read out several passages from documents S/11340 and S/11344, which attributed direct responsibility for the 1974 coup d'etat to Greece. As President Makarios had indicated in the Security Council, both the Greek Cypriots and the Turkish Cypriots would bear the consequences of that tragedy.

113. Indeed, Turkey had intervened in order to save the Turkish community from annihilation and to prevent the annexation of Cyprus by Greece. Moreover, its right to intervene had been accepted by Greece's highest court in judgement No. 2658/69, which had attributed the cause of Turkish intervention to the action of the Greek officials in Cyprus. Of course, the Greek Government had prohibited the publication of that judgement.

114. The proclamation of independence by the Turkish Cypriot community was not contrary to the 1960 agreements. The Greek Cypriots' destruction of the two-community constitutional order had permitted the Turkish Cypriot community to exercise its right to self-determination again.

115. Mr. DROUSHIOTIS (Cyprus), speaking in exercise of the right of reply, reminded members of the Committee that, since 1974, a large part of Cypriot territory had been occupied by Turkish troops. Recent secessionist actions were aggravating the situation. In two resolutions, the Security Council had condemned those actions and had called for the withdrawal of the unilateral declaration of independence, which it had termed invalid. The implementation of those resolutions and the observance of international law would provide a just and lasting solution to that problem.

116. The attempts to justify Turkey's actions made a mockery of the Charter, in particular Articles 24 and 103 of the Vienna Convention on the Law of Treaties, as and of a number of peremptory norms of international law. Accordingly, his delegation was more convinced than ever of the need to close every loophole which could possibly be used to justify the illegal use of force and the occupation of the territory of others.

117. Mr. PETROVSKY (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that the United States obviously adhered to a one-sided approach which artificially excluded countries that favoured the conclusion of a treaty on the non-use of force. Realism was extremely important in life and in politics, and it was only if it lacked realism that a country could pursue a "big stick" policy. However, the lack of realism was not surprising on the part of a country which had destroyed Grenada, was undermining Nicaragua and was opposed to a treaty which would obstruct the use of force in international relations.

118. Clearly, the United States proposal to establish a group to analyse individual cases of the use of force would result in a list of the possibilities and methods of using force, a subject on which the United States had acquired rich experience from the more than 200 cases in which it had used force.

119. The people of the world needed tangible measures to enhance the effectiveness of the principle of non-use of force and to erect a barrier against war. Once again, the United States had responded with futile rhetoric, which would not help to resolve the complex matters before the Special Committee.

120. Mr. NIYOMRERKS (Thailand), speaking in exercise of the right of reply, observed that all the comments made by the Lao representative were polemical and were out of place in a legal committee. He stressed that the incident in question had occurred well within Thai territory and that the negotiations had been broken off because of the rejection of Thailand's proposal to send a joint team to the area to determine where the border was located. Nevertheless, his Government had decided, in a spirit of friendship, to remove its troops and its civilian officials from the area concerned.

121. Mr. TELLEZ (Nicaragua), speaking in exercise of the right of reply, stressed that the United States representative could not present any proof whatsoever to support his allegation that Nicaragua was sending arms to El Salvador. Indeed the information released by United States intelligence services had been so inane that neither the United States Congress nor the media had believed it.

122. He suggested that the United States views contained in paragraph 177 of document A/36/41, should be seen in the light of the interim measures advocated by the International Court of Justice and the resolutions adopted by the General Assembly and the Security Council. Those documents would help to update the views of the United States on that question.

123. His delegation had not felt it necessary to justify its support for the conclusion of a world treaty, since the possible invasion of Nicaragua and the actual invasion of Grenada clearly showed to what extent the poor countries needed legal means of protecting their security. Fortunately for Nicaragua, the Somoza régime was no longer in power, and the current Government would defend the Nicaraguan people to the full extent necessary.

124. Mr. ECONOMIDES (Greece), speaking in exercise of the right of reply, said that the comments made by the representative of Turkey constituted a grotesque attempt to justify an operation of pure force. As was well known, those allegations bore no resemblance to the truth.



(Mr. Economides, Greece)

125. He asked how Turkey had responded to the recent decision of the Security Council, which had officially proclaimed the Turkish Cypriot State to be illegal. He challenged the assertion that the Treaty of Guarantee made provisions for military intervention. Even if that were true, such a treaty could not override the principle of non-use of force. The only legitimate exception to the prohibition was for purposes of self-defence.

126. The arguments put forward by the representative of Turkey were null and void in respect to a colonialist action which violated both the Charter and the resolutions adopted by the United Nations.

127. Mr. SANGSOMSACK (Lao People's Democratic Republic), speaking in exercise of the right of reply, called upon the Committee to examine Thailand's use of force in international relations. Historical documentation, including treaties concluded in 1904 and 1907, showed that the three villages were located in Lao territory. Moreover, the Thai Government's announcement that it would withdraw its troops had been intended merely to pacify international public opinion. Indeed, he had recently learned that those troops were being reinforced and were continuing to plunder the three villages. If a joint team was sent to determine the location of the border, complete chaos would ensue.

128. The position of the Thai Government would be credible only if it withdrew its troops from the villages, enabled the villagers to return and provided them with adequate compensation.

129. Mr. HOQOUQ (Afghanistan), speaking in exercise of the right of reply, observed that the provocative statements made by the representative of the United States against peaceful, progressive countries such as Afghanistan had not included any mention of the United States imperialist interference in Afghanistan. The United States was spending enormous sums to train mercenaries whom it exported to Afghanistan for the purpose of engaging in subversion and conspiring against the national revolutionary Government.

130. Afghanistan was particularly grateful for the timely support of friendly countries, particularly the Soviet Union, in its efforts to rebuff outside interference and defend its national sovereignty. He stressed that the national democratic revolution of Afghanistan was irreversible.

131. Mr. AKDAG (Turkey), speaking in exercise of the right of reply, pointed out that Greece had signed the Treaty of Guarantee. The Turkish intervention had been carried out in conformity with that Treaty, which was based on the principle of self-defence embodied in Article 51 of the Charter. In that connection, he drew attention to the statements made by the Turkish Minister for Foreign Affairs in the General Assembly and by the Turkish Ambassador in the Security Council.

The meeting rose at 6.55 p.m.