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44th meeting  
held on  
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at 11.10 a.m.  
New York

SUMMARY RECORD OF THE 44th MEETING

Chairman: Mr. AL-QAYSI (Iraq)

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The meeting was called to order at 11.10 a.m.

AGENDA ITEM 137: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES (continued)

Draft resolution A/C.6/40/L.12/Rev.1

1. Mr. SANYAOLU (Nigeria), introducing draft resolution A/C.6/40/L.12/Rev.1 on behalf of the sponsors, said that there had been substantial acceptance of the text of General Assembly resolution 39/84, on which the current draft was modelled. There was, however, a slight textual amendment to the seventh preambular paragraph in order to emphasize the outlawing of the activities of mercenaries.
2. The sponsors believed that it would be necessary to seek a renewal of the mandate of the Ad Hoc Committee. That question was dealt with in paragraph 2 of the draft resolution. The dates of the proposed sixth session of the Ad Hoc Committee would be worked out in consultation with the Secretariat.
3. The sponsors were of the view that the item should be included in the agenda of the forty-first session, as indicated in paragraph 9, and hoped that the draft resolution could be adopted by consensus.
4. The CHAIRMAN said that action would be taken on draft resolution A/C.6/40/L.12/Rev.1 at a later meeting.

AGENDA ITEM 134: REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS (continued)

Draft resolution A/C.6/40/L.14

5. Mr. ENKHTSAIKHAN (Mongolia), introducing draft resolution A/C.6/40/L.14 on behalf of the sponsors, said that the prevailing international situation demanded that efforts should be redoubled to enhance the effectiveness of the principle of non-use of force in international relations. The debate on the report of the Special Committee (A/40/41) had once again confirmed that the political will of all States was required in order to outlaw the use of force in international relations. The draft resolution was a vivid example of the spirit of compromise and of the political will of many States to achieve that goal. Most of the provisions were similar to those of previous General Assembly resolutions on the subject. The text reflected both the results of the 1985 session of the Special Committee and the views expressed by delegations during the debate on its report. A new element, however, was the reference to a declaration that was to be elaborated and adopted as an intermediate stage, as proposed by many delegations. The Special Committee would be invited to take into consideration, in drafting the declaration, the results of work done in preparation of the working paper containing the main elements of the principle of non-use of force in international relations, as well as the suggestions submitted to it and the efforts undertaken at its previous session.

(Mr. Enkhsaikhan, Mongolia)

6. In view of the spirit of compromise and accommodation displayed by the sponsors, he hoped that the draft resolution could be adopted without a vote.

7. The CHAIRMAN said that action would be taken on draft resolution A/C.6/40/L.14 at a later meeting.

AGENDA ITEM 133: DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND: REPORT OF THE SECRETARY-GENERAL (continued)

Draft resolution A/C.6/40/L.15

8. Mr. KHALIK (Egypt), introducing draft resolution A/C.6/40/L.15 on behalf of the sponsors, said that they wished to emphasize both the importance of the subject of the draft resolution and their firm belief that the elaboration of the Code of Offences would contribute to the strengthening of international peace and security. While appreciating the work done by the International Law Commission on the draft Code, they nevertheless felt that the topic deserved more attention from both the Commission and Member States so that it could be finalized at the earliest possible date. The topic should be kept as a separate item on the agenda and should continue to be considered in conjunction with the Commission's report.

9. In view of the urgency of the subject, the Commission would be invited to continue its work on the elaboration of the draft Code by elaborating an introduction as well as a list of the offences, taking into account the progress made at its thirty-seventh session, as well as the views expressed during the fortieth session of the General Assembly. In order to give the Commission all possible assistance in the fulfilment of its task, the Secretary-General would be requested to seek the views of Member States and intergovernmental organizations regarding the outline proposed by the Special Rapporteur. The sponsors hoped that the draft resolution could be adopted without a vote.

AGENDA ITEM 130: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER: REPORT OF THE SECRETARY-GENERAL (A/40/446 and Add.1 and Add.1/Corr.1; A/C.6/40/L.9 and L.17)

10. Mr. GOERNER (German Democratic Republic) said that his country had consistently pointed to the need for the restructuring of international economic relations on an equitable and democratic basis and for the establishment of a new international economic order. That task required the joint efforts of States and the establishment of the requisite principles of international law relating to the new international economic order.

11. The accelerating arms race, which jeopardized the very existence of mankind and slowed down economic and social progress, was currently one of the major causes of political and economic instability in the world. Efforts on behalf of the restructuring of international economic relations must include efforts towards peace, security and disarmament. The intrinsic interconnection between the safeguarding of peace and economic development should duly be taken into account in

(Mr. Goerner, German Democratic Republic)

the discussion about the progressive development of norms and principles of international law relating to the new international economic order. In view of the current state of the debate on those norms and principles, it was necessary, as a first step, to discuss and codify such principles and norms as were singled out through further interpretation and concretization of the generally recognized basic principles of international law.

12. Against such a background, the study submitted by the United Nations Institute for Training and Research (UNITAR) (A/39/504/Add.1) fell short of providing a comprehensive basis for the codification and progressive development of the relevant principles and norms. The study undoubtedly was a useful contribution to the debate and contained some interesting elements that merited further analysis. Its statements with regard to the rights and duties of States under international law, arising from the sovereign equality of States as a generally recognized principle of international law, deserved particular attention. Nevertheless, it did not fully reflect the scope necessary for the process of restructuring international economic relations. It contained no reference to the major issues of the day - the maintenance of peace and the need for disarmament. It also omitted from consideration the basic problems arising in connection with the new international economic order on account of the principle of non-use of force and the principle of non-interference in the internal affairs of States, two generally accepted fundamental principles of democratic international law that were of particular importance under the current international circumstances. The imperialist policy of military and economic blackmail, pursued against progressive States in Central America, Africa and Asia, quite eloquently attested to the vital importance of strict respect for such basic principles. That was particularly true of the principle that States should refrain from economic aggression and from exploiting economic relations for the sake of political gain.

13. Similarly, the study had either entirely neglected or only partially reflected essential aspects of the new international economic order such as the duty to eliminate colonialism, neo-colonialism and apartheid and the duty to compensate for damages sustained as a result of such policies. The study, therefore, had not fully drawn on the recommendations given by the General Assembly in its resolution 35/166.

14. The generally recognized principles of international law in their entirety, laid down in the United Nations Charter and further specified in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, must serve as a guide for the progressive development of the principles and norms relating to the establishment of the new international economic order. The basic precepts contained in the Charter of Economic Rights and Duties of States, and in the Declaration and the Programme of Action on the Establishment of a New International Economic Order should equally serve as a guide. Those documents already reflected a high measure of agreement in the approach to the essential aspects of restructuring international economic relations on an equitable and democratic basis. The implementation of their basic provisions would be a significant contribution towards democratizing international economic relations.

(Mr. Goerner, German Democratic Republic)

15. His delegation wished to draw attention to the Programme of Action adopted by the Council for Mutual Economic Assistance with a view to improving international relations, ensuring economic security and building confidence in the important area of inter-State relations. The Programme contained proposals whose implementation could considerably advance the process of establishing the new international economic order. It therefore deserved due consideration in the debate on the creation of the legal foundations for that new order.

16. The German Democratic Republic remained ready to make a constructive contribution to the progressive development of the principles and norms of international law relating to the new international economic order. Efforts to that end must be continued in a forum of representatives of States in which coverage of all aspects of the subject-matter and regard for the legitimate interests of all groups of States were guaranteed.

The meeting rose at 11.45 a.m.