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REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF  
THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS

Report of the Secretary-General

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\* A/38/150.

## I. INTRODUCTION

1. On 16 December 1982, the General Assembly adopted resolution 37/105, entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations", paragraphs 2 and 4 of which read as follows:

"The General Assembly,

"...

"2. Decides that the Special Committee shall continue its work with the goal of drafting, at the earliest possible date, a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee deems appropriate;

"...

"4. Invites the Governments that have not yet done so to communicate their comments or suggestions or to bring them up to date, in accordance with General Assembly resolution 31/9."

In this connection, it may be recalled that the General Assembly by resolution 31/9 of 8 November 1976, inter alia, invited Member States to examine further the draft World Treaty on the Non-Use of Force in International Relations referred to in the resolution as well as other proposals and statements made during the consideration of the item entitled "Conclusion of a world treaty on the non-use of force in international relations" and requested Member States to communicate to the Secretary-General their views and suggestions on this subject.

2. Pursuant to paragraph 4 of resolution 37/105, the Secretary-General by a note dated 22 December 1982 invited Member States to communicate their comments or suggestions referred to in that paragraph.

3. As at 31 August 1983, communications had been received from Afghanistan, Cuba, Qatar and the United Arab Emirates. The communications from Cuba and Qatar had been made available to the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations at its 1983 session (A/AC.193/5 and Add.1). These comments and those of Afghanistan and the United Arab Emirates, which were received after the closure of that session of the Special Committee, 1/ are reproduced below. Any further communications will be published in addenda to the present report.

## II. OBSERVATIONS RECEIVED FROM GOVERNMENTS

### AFGHANISTAN

[Original: English]

[9 June 1983]

1. The Democratic Republic of Afghanistan has repeatedly stated in different international forums that it believes that constructive steps should be taken towards enhancing the effectiveness of the principle of non-use of force in international relations.
2. We believe that a world treaty in this field will assist in the further strengthening and better implementation of the values of the Charter of the United Nations.
3. The Democratic Republic of Afghanistan is ready to assist the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations in its task, and supports its initiatives and endeavours.
4. The Government of the Democratic Republic of Afghanistan after the victory of the April revolution, especially after its new and evolutionary phase, expressed its firm and honest desire for peaceful co-existence in its international relations. Our leader, Babrak Karmal, who is the President of the Revolutionary Council of the Democratic Republic of Afghanistan, while addressing the Afghan nation on 31 December 1979 stated:  
  
"The Government of the Democratic Republic of Afghanistan will pursue a consistent, peaceful policy based on principles of non-alignment and peaceful co-existence; it supports the policy of peace and détente, limitation of strategic nuclear arms, general and complete disarmament, human rights, as well as national liberation movements of oppressed peoples; and as a loyal Member of the United Nations and member of the non-aligned movement, respects all agreements signed between Afghanistan and other countries of the world, and fights along with peace-loving forces in a vast global front against war and warmongers ..."
5. We believe that the drafting and adoption of a convention which can ensure non-use of force and guarantee peaceful settlement of disputes in international relations, will have a positive impact on international relations.
6. We are of the opinion that an international convention on non-use of force should not and must not prevent nations and peoples under colonial domination and unjust oppression from continuing their struggle for freedom.
7. We believe that such a convention would not be an irrelevant repetition of paragraph 4 of Article 2 of the Charter of the United Nations, and that the drafting and adoption of a world treaty in this regard is a necessity.

/...

8. The Democratic Republic of Afghanistan once again reaffirms its support of the General Assembly resolutions in this regard adopted earlier, as well as of resolution 37/105.

9. We hope that the Special Committee will continue and complete its work as soon as possible and submit its report to the General Assembly at its next session.

CUBA

[Original: Spanish]

[15 January 1983]

1. The position of Cuba on this matter has been expressed on many occasions in the various forums in which it is discussed, and we shall therefore confine ourselves to bringing our position up to date, taking into account the evolution of the work on the codification of the principle in question in the Special Committee and in the debate at the thirty-seventh session of the General Assembly.

2. The Government of Cuba continues to attach great importance to the codification of the principle of non-use of force in international relations, which is explicitly set forth in Article 2, paragraph 4, of the Charter of the United Nations and has quite rightly been described as the most important rule of contemporary international law. That principle should therefore be respected by all States as the only means of preserving world peace.

3. The modern world cannot accept the idea that might is right; its peoples are expressing the desire to coexist peacefully, but in order to make that possible it is necessary to lay the minimum foundations for a civilized existence based on unswerving respect for the sovereignty and independence of all States and their right to achieve economic and social development that will ensure a decent life for their citizens. The elaboration of an international agreement in which all States would undertake not to use force in international relations would constitute an important step in that direction.

4. The efforts of the United Nations to prevent another war that would entail destruction and death for all mankind and the embodiment in its basic instrument of principles such as that with which we are concerned have not sufficed to ensure the application of that principle. The principle of non-use of force is undeniably violated daily as a result of the continuing breach of the undertakings assumed by certain Member States, especially the United States of America.

5. Consequently, the Government of Cuba considers it essential to elaborate a legally binding instrument that will ensure compliance with the international undertakings deriving from those principles, thus putting them into practice so as to help guarantee the political independence of States and achieve lasting peace.

/...

6. The Government of Cuba considers that the draft treaty proposed by the Soviet Union contains elements that are very useful for the purpose of codifying the principle in question, and should therefore be duly taken into account in the negotiations on the matter at the next session of the Special Committee.

7. The draft paragraphs based on the principles embodied in the Charter of the United Nations submitted by a group of 10 non-aligned countries, of which Cuba intends to become a co-sponsor at the next session of the Special Committee, would likewise be useful in this connection. The Government of Cuba considers that a combination of the two documents could produce an instrument that would bring the Special Committee's work to a successful conclusion.

8. The Government of Cuba likewise supports the view that the document to be prepared should refer not only to the use of direct or indirect military force, but also to interference in the internal affairs of States, economic and political pressure and any other action incompatible with the principles and purposes of the United Nations.

9. The Government of Cuba also wishes to emphasize that the use of force in international relations is lawful and admissible only in the cases of individual and collective self-defence mentioned in Article 51 of the Charter of the United Nations.

10. Lastly, the Government of Cuba wishes to express once again its view that the struggle of peoples against colonial or neo-colonial domination and for their right to self-determination is legitimate.

#### QATAR

[Original: Arabic]

[26 January 1983]

1. Further to its letter of 9 April 1979 concerning the principle of the non-use of force in international relations, the State of Qatar has the following further comments to make.

2. The invasion by Israel of Lebanon, an independent Arab country, in the summer of 1982, created a dangerous international situation which showed the compelling need to implement the principle of the non-use of force in international relations.

3. This invasion, as well as the military operations, the air attacks on Lebanese and Palestinian civilian inhabitants, the continuing occupation of Lebanese territory and the resulting massacres of Palestinian civilians, constitutes a flagrant example of the systematic use by a particular State of military force to apply its expansionist and colonialist policy and of the powerlessness of the international community to contend with that State, which leads small States to fear for their security and their rights.

4. The oppressed peoples and, in general, the small States will continue to be apprehensive until the principle of the non-use of force in international relations has been put into practice and has been embodied in an international treaty signed by all States and binding upon them.

5. Until this principle is applied, and until an international treaty comes into force, it is essential that the Security Council should assume its responsibilities in accordance with the provisions of the Charter concerning it. For example, Article 41 in Chapter VII of the Charter stipulates that the Security Council may decide what measures are to be employed ... and may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication and the severance of diplomatic relations. If the Security Council had fulfilled its obligations in accordance with that unequivocal text, if it had taken such measures against Israel and South Africa, and if the permanent members of the Council had refrained from using the veto, the events in Lebanon or other parts of the world would not have taken place. The great Powers must serve the needs of the international interest and submit to the dictates of their conscience and to the will of the international community. They must refrain from exercising the right of veto in order to undermine the effectiveness of the Security Council because by doing so these Powers are endangering international peace and security and causing the oppressed peoples of small nations to view them with scepticism and mistrust because they place the interests of a State known for its aggressiveness above law, justice and equity.

#### UNITED ARAB EMIRATES

[Original: Arabic]

[9 February 1983]

1. The Government of the United Arab Emirates supports the renewal of the Special Committee's mandate so that it may continue its work with the goal of drafting an international treaty on the non-use of force in international relations. The drafting of such a treaty would confirm an important principle of international law and strengthen the Charter of the United Nations, which prohibits the use of force in international relations. The adoption of this principle and adherence to it would be in accordance with the Declaration issued by the Havana Conference of Heads of State or Government of Non-Aligned Countries on the question of the non-use of force or threat of force in international relations. 2/ It would also be in accordance with the Pact of the League of Arab States, which affirms this principle.

2. On the basis of these considerations, the State of the United Arab Emirates does not object to the drafting of an international treaty on the non-use of force in international relations.

Notes

1/ Pursuant to the decision in paragraph 2 of General Assembly resolution 37/105, the Special Committee met in New York from 31 January to 25 February 1983. For its report, see Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 41 (A/38/41).

2/ A/34/542 and Corr.1, annex, sect. I, para. 215.

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