



SUMMARY RECORD OF THE 10th MEETING

Chairman: Mr. VOICU (Romania)

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Distr. GENERAL  
A/C.6/41/SR.10  
10 October 1986

ORIGINAL: ENGLISH

The meeting was called to order at 3.10 p.m.

STATEMENT BY THE CHAIRMAN

1. The CHAIRMAN said that, in accordance with the decision in paragraph 7 of General Assembly resolution 40/240, he wished to draw the Committee's attention to the report of the Committee for Programme and Co-ordination on the work of its twenty-fifth session (A/40/38). Copies of the report were available in the conference room. The report on the work of the twenty-sixth session (A/41/38) had yet to be considered by the Fifth Committee and approved by the General Assembly, and he was therefore not drawing the Committee's attention to it for the present.

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/41/41; A/41/8-S/17723 and Corr.1, A/41/411-S/18147 and Corr.1 and 2)

2. Mr. PAWLAK (Poland) said that, in line with its consistent advocacy of solutions aimed at improving the international situation, curbing the arms race, preventing the development of new systems of weapons and establishing a comprehensive system of international security, his country had always been a strong supporter of the Special Committee's work. The new mandate in General Assembly resolution 40/70, defining, in particular, the drafting of a declaration on the non-use of force in international relations as the Special Committee's goal, provided an appropriate and flexible basis for constructive discussion within the Special Committee, whose activities were in urgent need of speeding up. It was gratifying to note that some progress, albeit slow, had been achieved, revealing points of convergence of the views of representatives of different groups of States. Some of the headings discussed had elicited a large measure of support, and some useful new proposals had been submitted. Regrettably, however, the work of the Special Committee had not been wholly constructive. At least five days had been lost on prolonged discussions and consultations relating to organizational and procedural matters, and the achievement of tangible results had been hampered by the lack of a common political will. A more constructive approach on the part of all delegations was called for in the future.

3. His delegation welcomed the important political declaration of the eighth Conference of Heads of State or Government of Non-Aligned Countries, held in Harare expressing full support for the adoption of a universal declaration on the non-use of force in international relations and, for its part, wished to reiterate its firm endorsement of that project. A solemn pronouncement of the General Assembly to the effect that force must not be the instrument of policy of any State would exert a positive influence on the conduct of States and would help to eliminate misunderstandings or differences in interpretation as to the scope and content of the principle of non-use of force.

4. The future declaration should, inter alia, reaffirm clearly that all States should refrain from the use of armed force employing any type of weapons, on land, at sea, in the air and in outer space. The waging of nuclear war should be

(Mr. Pawlak, Poland)

outlawed unconditionally. The declaration should also state clearly the duty of States to refrain not only from military but also from political, economic and any other form of coercion aimed at the territorial integrity or political independence of States. The arbitrary introduction of unlawful economic sanctions should be unequivocally prohibited. It would also be desirable to reaffirm the duty of any State to abstain from defamatory and disinformation campaigns and from hostile deceptive propaganda against another State or group of States. The exceptions to the prohibition of the use of force in compliance with the Charter of the United Nations, including the right of national liberation movements to fight for their independence, should also be confirmed. Further details of the extensive and specific proposals suggested by a group of countries, including his own, would be found in paragraph 90 of the Special Committee's report (A/41/41).

5. The elimination of the use of force remained the primary purpose of the United Nations. As the Polish Minister for Foreign Affairs had said in his address before the General Assembly on 25 September 1986, in face of the threat of total extinction the call for the renunciation of war took on a significance incomparably greater than that which had motivated the framers of the Charter. The recent signing of the Stockholm document relating to confidence- and security-building measures in Europe showed that, given political will, there was always a possibility of reaching agreement, even on difficult and controversial issues. Discussions within the Sixth Committee and the Special Committee itself, particularly during its most recent session, encouraged him in the belief that there was a real chance of intensifying the work of the Special Committee at its next session on drafting formulations for the future declaration. The informal consultations proposed by the representative of Iraq at the previous meeting could provide an additional tool and might make a positive contribution to fulfilling the Special Committee's mandate at the 1987 session. At the same time, they should not be seen as a substitute for the Special Committee's work or as grounds for postponing that work.

6. Mr. MIKULKA (Czechoslovakia) drew attention to General Assembly resolution 40/70 containing, in particular, the decision that the Special Committee should, at the earliest possible date, proceed to draft a declaration on the non-use of force in international relations. That new aspect of the Special Committee's mandate opened the door to constructive participation by all those genuinely interested in achieving concrete results in the field of enhancing the principle of non-use of force and provided a solid basis for the broadest possible agreement. Those delegations which had adopted a negative attitude towards the Special Committee's work should be invited once again to review their positions. By going along with the wishes of the majority of States which regarded the elaboration of an authoritative international document on the non-use of force in international relations as a step towards strengthening international peace and security, they would contribute to the establishment of confidence among States, currently so greatly needed.

7. In that context, he wished to stress that the work of the Working Group set up within the Special Committee to consider the seven headings covering various

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aspects of the prohibition of the use of force in international relations should not represent an end in itself or serve as a platform for sterile polemics. Its object was to formulate rules of conduct and specific measures which States might adopt with a view to enhancing the effectiveness of the principle of non-use of force. A number of such measures, such as the commitment of the Soviet Union and the People's Republic of China never to be the first to use nuclear weapons and the programme for the complete elimination of all nuclear weapons throughout the world by the year 2000 proposed by the General Secretary of the Central Committee of the Communist Party of the Soviet Union, could serve as an inspiration for similar measures by other States.

8. Turning to the headings themselves, he said that heading E (Peaceful Settlement of Disputes) was one of those which should not give rise to major problems. The existence of a close link between the principle of non-use of force and that of peaceful settlement of disputes was not in doubt. The adoption of the Manila Declaration on the Peaceful Settlement of Disputes had helped to define the area of general agreement on possibilities of the use of various means and measures for the peaceful settlement of disputes. The Working Group should not reopen problems already solved but, rather, concentrate on formulating rules concerning the obligation of States to settle their disputes as promptly as possible, to continue seeking a peaceful solution by other appropriate means should a particular means have failed, to refrain from any acts likely to exacerbate the conflict, and so on. Any attempt to limit the free choice of means of peaceful settlement should be resisted.

9. In view of the close link between headings E and F (Role of the United Nations), some flexibility was called for in dealing with them. In his delegation's view, the central element of heading F should be the idea of enhancing the effectiveness of the collective security system. In that connection, he referred to the new initiative of the Socialist countries for the establishment of a comprehensive system of international security (A/41/191), which the Special Committee would do well to consider in its work on Heading F.

10. With regard to heading A (Manifestations, scope and dimensions of the threat or use of force), his delegation shared the view that the term "force" should be regarded as a complex one, encompassing not only military force but also other forms, including economic and political coercion, whose object was to prevent States from exercising their sovereign rights. The Special Committee should analyse developments in that field over the past 40 years, as reflected in many General Assembly resolutions and certain declarations, and draw the appropriate conclusions. So far as the condemnation of various forms of the use of force, and particularly military force, was concerned, his delegation thought it right to place special emphasis on nuclear weapons and other weapons of mass destruction, which represented a qualitatively new threat to the existence of mankind.

11. With regard to heading D (Legitimate use of force), he stressed that the relevant provisions should be formulated strictly in conformity with Article 51 of the Charter, the Declaration on the Granting of Independence to Colonial Countries

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and Peoples and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

12. In connection with heading C (Consequences of the threat or use of force), his delegation supported proposals to the effect that the text of the declaration should include provisions concerning State responsibility for non-observance of the principle of non-use of force. The question of State responsibility was, of course, under consideration in the International Law Commission, and the Special Committee was not required to go into it in detail. It should be recognized, however, that the existing formulations under the heading were very incomplete since they did not cover all forms of use of force and of the responsibility arising therefrom. It had to be expressly stated that any illegal use or threat of force involved State responsibility.

13. With regard to heading G (Disarmament and confidence-building measures), he took the view that such measures were well within the Special Committee's scope in view of the link established in the Charter between the principle of non-use of force on the one hand and disarmament on the other. The Special Committee should concentrate on defining the general framework of obligations of States in the field of disarmament and the development of confidence as elements of the enhancement of the effectiveness of the principle of non-use of force in international relations. Lastly, referring to heading B (General prohibition of the threat or use of force), he said that the Special Committee should work towards the confirmation of the universal and peremptory nature of the prohibition of the threat or use of force set forth in Article 2, paragraph 4, of the Charter.

14. In conclusion, he expressed the hope that the praiseworthy endeavour to establish common ground made at the previous meeting by the delegation which had initiated the study of the subject under discussion would meet with a positive response.

15. Mr. YIMER (Ethiopia) said that the record of the Special Committee's work over the past decade failed to reveal any significant progress towards the fulfilment of its mandate. The issue which had divided the Special Committee at the outset, namely, whether a world treaty on the non-use of force in international relations was desirable, remained unresolved. The latest report of the Special Committee (A/41/41) contained nothing new that might give grounds for optimism. The same arguments to the effect that a world treaty would weaken the principle of non-use of force as enshrined in Article 2, paragraph 4, of the Charter were repeated yet again. His delegation had always found that article difficult to understand. Far from weakening the principle of non-use of force, a world treaty would surely strengthen it. His delegation considered that, rather than concentrating on the second alternative of its mandate as some representatives in the Special Committee had suggested, the Special Committee should concentrate on the drafting of a world treaty as its ultimate goal, and on the drafting of a declaration on the non-use of force in international relations as an intermediate step.

(Mr. Yimer, Ethiopia)

16. Noting that the Working Group of the Special Committee had given comprehensive and thorough consideration to the various issues discussed under each heading, and referring specifically to the question of manifestations, scope and dimensions of the threat or use of force (heading A), he stressed the importance of a clear prohibition of economic coercion. On the question whether there was a need to define the term "force", his delegation's view was that such an exercise would be time-consuming and would serve no useful purpose. Heading D (Legitimate use of force) should be dealt with adequately; the omission of provisions on legitimate use of force from a treaty or declaration on the non-use of force in international relations would constitute a serious lacuna. His delegation agreed with the view, reflected in paragraph 65 of the report, that it was not possible to deal with the prohibition of the use of force without mentioning the exceptions to that prohibition.

17. In conclusion, he said that the current impasse in the Special Committee was due, not to the Special Committee's mandate - which was clear and realistic - but to the fundamental divergence of views between those who supported and those who opposed the very idea of a treaty or declaration on the non-use of force in international relations. The existing state of affairs in the Special Committee was detrimental to the image of the United Nations and to the principle of non-use of force itself. If necessary, the mandate could be made still more explicit, directing the Special Committee to confine itself to drafting a declaration in the short term and a treaty in the long term. In any event, the necessary political will had to exist if progress was to be made. His delegation earnestly hoped for and urged the demonstration of, such political will at future sessions of the Special Committee.

18. Mrs. KUMI (Ghana) said that her delegation, after studying the report of the Special Committee and its precedents, was surprised at the degree of polarization of ideas on how to enhance the effectiveness of the principle of non-use of force. There were certainly more than two means of achieving that goal. One positive example would be the campaign being carried out by the Department of Public Information to make world public opinion aware of the need for States to respect that principle. The impact of such a campaign could not be underestimated, for it was the people, in matters affecting the survival of mankind, who would always have the ultimate say.

19. Enhancement of the effectiveness of the principle of non-use of force depended solely on the will and determination of States to abide by it, legal instruments notwithstanding. That principle should not merely be discussed or elaborated on paper, but should be seen in the daily conduct of international relations. The goal being sought was largely within the means of Member States.

20. The Charter had already provided the various options for settling disputes peacefully. Those options should be resorted to more frequently; a more significant role in peace-making should be given to the United Nations through its Secretary-General, and ways should be sought of enhancing the role of the International Court of Justice. The emphasis should be more on peace than on

(Mrs. Kumi, Ghana)

force. The arms race should be brought to a halt, mutual distrust between States should be gradually reduced, and the principle of good neighbourliness, one of the cardinal principles of Ghana's foreign policy, should characterize regional relations.

21. A world treaty on the non-use of force in international relations would certainly enhance the effectiveness of the principle of non-use of force. The Stockholm Conference on Confidence- and Security-building Measures and Disarmament in Europe had provided an opportunity for a regional focus on the issue, and a universal legal instrument would give it the world focus it deserved.

22. Ms. SEMGURUKA (United Republic of Tanzania) said that her delegation regretted the lack of progress in the work of the Special Committee. The debate on the item had been bogged down by ideological considerations. While some States strongly supported the view that a world treaty on the non-use of force would contribute positively to States' adherence to the principle of non-use of force, other States were opposed to such a treaty on the ground that it would weaken the provisions of the Charter which prohibited the use or threat of force in international relations. Even the suggestion that a declaration on the non-use of force might be a way out of the deadlock had caused problems. The supporters of a world treaty argued that such a declaration would serve as an intermediate stage, while the opponents argued that any instrument focusing on the non-use of force would be unhelpful.

23. Her delegation felt that the time had come for the Sixth Committee to re-think the problem of how to handle the prevailing untenable situation. She noted that the non-aligned movement, at the eighth Conference of Heads of State or Government, had expressed its full support for the adoption of a universal declaration on the non-use of force in international relations. Her delegation supported that view and those expressed by the representative of Iraq in the Sixth Committee the previous day. Due weight should be given to the important principle of peaceful settlement of disputes in drafting such a declaration. She urged the two differing camps to consider the time and costs so far incurred and to expedite the work of the Special Committee so that it could be brought to a conclusion acceptable to both sides.

24. Mr. BUI XUAN NHAT (Viet Nam) said that, despite the urgent need to enhance the principle of non-use of force, and the constructive spirit shown by a wide spectrum of States, there had been little change in the attitude of certain Western States, which persisted in subjecting the Special Committee to a stalemate. The opposition to any normative instrument, be it a treaty or declaration, simply reflected a consistent lack of political will. The framework for peaceful coexistence had been shaken by the arms race and the actions of imperialist and reactionary circles. The threat of war was increasing because of their refusal to enable concrete steps to be taken for the improvement of the international climate.

25. Contrary to that position, the majority of Member States had reaffirmed their commitment to the principles of the Charter, especially those relating to the

(Mr. Bui Xuan Nhat, Viet Nam)

non-use of force, at the fortieth session of the General Assembly. Moreover, the non-aligned countries, at their meeting at Harare, had worked out a programme to involve the movement in the struggle for peace and development. Against that background, the Special Committee had an essential and urgent role to play. The deliberations of the Working Group at the latest session of the Special Committee had yielded hope for the new approach reflected in that Committee's mandate, as set forth by the General Assembly in resolution 40/70. The proposals made by some delegations, reproduced in paragraph 90 of the Special Committee's report, could provide a good basis for the continuation of the Special Committee's work of identifying the content of a future declaration.

26. The structure and content of the declaration should be as simple as possible, while stressing the imperative nature of the principle of non-use of force. All acts of aggression and intervention, including propaganda in support of a war of aggression, must be prohibited. There was also a need for provisions concerning non-recognition of the consequences arising from the threat or use of force, international responsibility incurred by the use of force and the duty of States to assist the victims of the use of force. The future document would establish a closer link between the principle of non-use of force and that of peaceful settlement of disputes, in which the various United Nations bodies had an important role to play.

27. His delegation reiterated its support for all commitments to peace and initiatives designed to pave the way for strengthening States' obligations vis-à-vis the non-use of force. In that regard, it considered highly important the commitment not to be the first to use nuclear weapons, and the unilateral moratorium on nuclear tests pronounced and extended several times by the Soviet Union, and with with a series of Soviet proposals relating to the cessation of the arms race. Those initiatives were in conformity with the position expressed recently by the non-aligned countries. His delegation also attached great significance to the recent initiative concerning the establishment of a comprehensive system of international security embracing all nations and continents.

28. Mr. BOUABID (Tunisia) said that, although the Special Committee had accomplished an appreciable amount of work, nothing concrete had yet resulted. Tunisia had always supported the initiative of States which felt that it was useful, if not necessary, to enhance the principle of non-use of force by the elaboration of a normative legal instrument. However, the mandate of the Special Committee had never been fully accepted. Despite the new terms introduced in General Assembly resolution 40/70, the basic grounds for disagreement had not changed. It was therefore necessary for all groups to show a spirit of co-operation and tolerance in order to steer the Special Committee towards positive and fruitful results. In view of the recently concluded agreements at the Stockholm Conference and the forthcoming summit meetings, the Special Committee could not find a better time to carry out the task entrusted to it. His delegation therefore earnestly appealed to all parties concerned to reach an agreement in 1986, not only on the terms of the Special Committee's mandate but also on practical ways and means to enable that body to make tangible progress in its work

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(Mr. Bouabid, Tunisia)

at its next session. It was essential for consultations to be undertaken to discuss the underlying cause of the problem, and in particular the content of the future document which the Special Committee might adopt. In that context, his delegation supported, in principle, the proposal of the representative of Iraq concerning the organization of informal consultations. Tunisia encouraged all delegations, in particular the parties concerned, to reflect upon the issue and give it their full attention. An agreement at the current session could have a highly beneficial effect on the future work of the Special Committee; he therefore hoped that his delegation's appeal would be heeded by other delegations.

29. Mr. ABDEL KHALIK (Egypt) said that, despite the adjusted mandate given to the Special Committee by the General Assembly in its resolution 40/70, confrontation continued to exist between East and West. His delegation, inspired by the final documents of the eighth Conference of Heads of State or Government of Non-Aligned Countries, still believed that the Special Committee's mandate should be changed to drafting a universal declaration on the non-use of force in international relations, and that it should be adopted by consensus. He hoped that the success of the Stockholm Conference on Confidence- and Security-building Measures and Disarmament in Europe would have a positive influence on the positions taken concerning the drafting of a universal declaration.

30. His delegation stressed the need to reach general agreement on the main elements of a possible declaration and the practical measures to be recommended. To that end, Egypt supported the proposal made by the representative of Iraq to structure informal consultations under the auspices of the Special Committee, with the aim of identifying the generally acceptable measures to be incorporated in the declaration, taking into account the main interests of various groups and reflecting the political and legal balance needed, on the basis of the working papers submitted by the various groups and other proposals made during the Special Committee's earlier sessions. Some concessions would need to be made by all parties concerned, and a strong political will would be needed to achieve the goal. His delegation continued to believe that drafting and adopting a universal declaration would help to decrease the number of violations of the principle of non-use of force and would contribute to creating a safer and better life for all peoples.

The meeting rose at 4.30 p.m.