



SUMMARY RECORD OF THE 14th MEETING

Chairman: Mr. FRANCIS (Jamaica)

later: Mr. VOICU (Romania)

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

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The meeting was called to order at 3.05 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/41/41; A/41/81-S/17723 and Corr.1, A/41/411-S/18147 and Corr.1 and 2)

1. Mr. RIACHE (Algeria) said that the state of immobility which had become the hallmark of the Special Committee's work was not caused by a lack of resources, for the nature, level and depth of the Committee's debates clearly showed that its mission was not in the realm of the impossible. Nor was the current situation the result of the obsolescence of the topic, for the question of non-use of force in international relations and its corollary, the peaceful settlement of disputes, had been of great relevance since the end of the Second World War and were particularly so in the current international climate. Moreover, although the recent agreement at the Stockholm Conference on Security and Co-operation in Europe was based on a geographically limited concept of peace, it was likely to encourage the establishment of a climate conducive to a more generalized peace.

2. The stagnation of the work of the Special Committee was mainly the result of the desire of some States to bring to the Committee's work the confrontational approach which characterized international relations, and to make its accomplishments dependent on factors exogenous to the special dynamics of the normative process set in motion by the General Assembly in 1975. That process had been affected over the years by the crisis of multilateralism. Any interruption in the dialogue on the question of non-use of force must be avoided, and further efforts must be made to enable the United Nations to play its role effectively in the maintenance of international peace and security.

3. The mandate of the Special Committee continued to be a source of deeply divergent views and a stumbling-block to the work of that body. He recalled that the original mandate, namely, to draft a treaty on the non-use of force, had been supported by most Member States. Such support showed that the international community desired to reflect in a legal instrument the scope and implications of the principle of non-use of force embodied in the Charter. It also showed that most members of the international community believed that the initiative in question would strengthen the authority and effectiveness of the Charter. To maintain, after nine years of discussion, that any instrument based on the content of that principle could only affect the credibility and balance of the Charter was not only unacceptable but was a pretext for objectives other than that of safeguarding the integrity and supremacy of the Charter in the international legal order.

4. The Special Committee's modified mandate had raised some hopes about the fruitful pursuit of its work; unfortunately, however, the content of its report had dashed those hopes and reopened the debate on its mandate. In that context, his delegation reaffirmed its support for the elaboration of a normative instrument in the United Nations system to strengthen the principle of non-use of force in international relations. In particular, it supported the decision of the Eighth Conference of Heads of State or Government of Non-Aligned Countries, recently held at Harare, to promote the adoption of a universal declaration on the non-use of force.

5. Mrs. SILVERA NUÑEZ (Cuba) said that although some progress had been made by the Special Committee over the past year, outstanding differences on substantive points were an obstacle to the Committee's carrying out its mandate. As the Eighth Conference of Heads of State or Government of Non-Aligned Countries had noted, in recent years the use of force and acts of aggression had increased. The non-aligned countries had recalled the principles of the Charter prohibiting aggression and the threat or use of force in international relations, and had affirmed that a war of aggression was the most serious violation of international law and the principles of non-alignment, as well as a crime against humanity. They had also expressed their full support for the adoption of a universal declaration on the non-use of force in international relations. They had thereby clearly defined the position of the members of the Non-Aligned Movement as it related to the immediate work of the Special Committee.

6. The future of that work would depend to a large degree on the flexibility and political will of those countries which had obstinately opposed the initiative, in disregard for the overwhelming majority's support for continuing the Committee's mandate with a view to the completion of a declaration on the non-use of force. Her delegation had no objections to the pragmatic and imaginative proposals made by the representative of Iraq, as long as they did not delay the work of the Special Committee.

7. United States imperialism had carried out more than 200 acts of armed aggression against other peoples, resorting to any and all means to upset the world military-strategic balance, in an attempt to impose the will of the United States on other countries. The United States had raised the use of force to the level of foreign policy, the most recent examples being the mining of Nicaraguan ports and the indiscriminate bombing of the Libyan people. Such actions confirmed once again that military force was the United States Government's primary means of solving international problems "effectively".

8. Mr. SOKOLOVSKY (Byelorussian Soviet Socialist Republic) stressed the special responsibilities incumbent upon all Member States in the International Year of Peace. The realities of the nuclear and space age called for a completely new approach to international problems, stemming from the recognition that no State, however powerful, could base its own security on the use of military force against other countries or peoples. The traditional view of war as a means of achieving political ends had to be cast aside for ever. Peaceful and stable conditions for all could be assured only by political means on the basis of concerted action by all States, irrespective of their political and social structure, and on the basis of strict observance of the principles of peaceful coexistence, respect for national sovereignty and independence, the prohibition of the use or threat of force, inviolability of frontiers and territorial integrity, peaceful settlement of disputes, and non-interference in the internal affairs of States, as well as other universally recognized standards of international conduct.

9. That was the line followed in their foreign policy by the Soviet Union and other socialist countries, which had recently come forward with a series of constructive new initiatives aimed at consolidating peace, removing the threat of war, preventing the militarization of outer space, and eliminating weapons of mass

(Mr. Sokolovsky, Byelorussian SSR)

destruction. The Soviet Union's decision to extend its unilateral moratorium on all nuclear explosions to 1 January 1987 was an important step in the direction of disarmament and confidence-building. In that connection, he also referred to the proposal by a group of socialist countries, including his own, for the establishment of a comprehensive system of international security (A/41/191) and to the position taken by the non-aligned countries at their recent Harare Conference which had made it clear that the prohibition of the use of force in international relations remained a priority objective for that major group of States.

10. The idea of collective State responsibility for world peace was, of course, embodied in the Charter of the United Nations. But present-day realities were such that the existence of a general principle in international law was not enough in itself. Such principles - and that was true, first and foremost, of the vitally important obligation to refrain from the use or threat of force in international relations - had to be not only reaffirmed, but also developed in conformity with international practice.

11. The effectiveness of the United Nations in safeguarding international security had to be enhanced. That called for genuine political will translated from the realm of declarations to the sphere of practical action. It was in those terms that his delegation viewed the task set before the Special Committee by the General Assembly. The Special Committee's report (A/41/41) clearly showed that obstructionist methods were still being used by those who, while paying lip-service to the ideals of the United Nations, treated them most cavalierly in reality. The so-called legal arguments advanced in order to mask their basically negative attitude to the idea of non-use of force ran counter to historical experience and plain common sense. It was not true that measures aimed at enhancing the effectiveness of the principle of non-use of force would be unhelpful or, worse, could somehow undermine confidence in the Charter of the United Nations. On the contrary, constructive participation by all members of the Special Committee in carrying out its mandate would be a token of sincerity and mutual trust and would ultimately promote the establishment of reliable legal barriers to the use of force in any form.

12. His delegation endorsed the conclusion contained in paragraph 60 of the report that the Special Committee had no other way to contribute concretely to enhancing the effectiveness of the principle of non-use of force than to produce a document endowed with political and moral weight and aimed at persuading States to observe their obligations more faithfully. The list of proposals in paragraph 90 provided a sound basis for continuing efforts to determine the content of the future declaration. A measure of agreement had been reached on a number of proposals in the course of the discussion on various headings, giving grounds for hope that the Special Committee would succeed in speeding up its work and complete within a short period of time the drafting of a document giving concrete content to the principle of non-use of force. His delegation approved in principle the idea of holding informal consultations on the question, as a means of assisting the Special Committee in its task. However, his delegation's positive response was based on the understanding that the informal consultations would not take the place of the

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Special Committee's work, but would only supplement and assist it. A similar practice had been adopted in connection with the drafting of a number of international instruments, including in particular the Convention on the Law of Treaties between States and International Organizations or between International Organizations. At the same time, the whole experience of codification of international law confirmed that a legal document could be drafted only within the framework of a specialized forum, whether a conference or a committee

13. In conclusion, he referred to the recent successes achieved at the Stockholm Conference and the special session of the General Conference of IAEA in Vienna, which convincingly demonstrated that the path towards international security lay not in rejecting agreements but, on the contrary, in strengthening existing agreements and concluding new ones. Time was of the essence, and the task of strengthening security guarantees and making the principle of non-use of force a law of international life would suffer no further delay.

14. Mr. CASTROVIEJO (Spain) said that his delegation viewed with hope the change in climate which had occurred during the current session, and trusted that the new climate would make it possible to find a unanimously acceptable solution. His delegation had welcomed the 1985 proposal that a declaration should be the end-product of the work of the Special Committee. Such a declaration should be non-normative in both form and content, and should focus mainly on concrete ways of strengthening the principle of non-use of force in the international community. It should be accepted by consensus and should reflect the approaches that had already been discussed and accepted in other forums. Due respect should therefore be given to the principle clearly expressed in Article 2, paragraph 4 of the Charter, and it was essential to avoid introducing clarifications, or exceptions to its application other than those embodied in the Charter. His delegation felt, however, that the new climate of understanding should not be limited exclusively to the discussion of the item under consideration, but should extend to other items which were similar to it in content. Otherwise, attempts to settle the question of non-use of force in international relations would be set back.

15. Mr. TREVES (Italy) said that the Special Committee's debates had stagnated because no real will to seek a generally acceptable approach had emerged. However, there were three recent developments that might foreshadow less discouraging prospects. Firstly, the Movement of Non-Aligned Countries had, at its recent meeting at Harare, expressed support for the adoption of a declaration on the principle of non-use of force within the framework of the United Nations. Secondly, in his statement in the Sixth Committee on the item under consideration, the representative of the Soviet Union had made no reference to the conclusion of a world treaty. Those two developments seemed to indicate that the idea of a world treaty was dead. Thirdly, the Conference on Confidence- and Security-building Measures and Disarmament in Europe, held at Stockholm in September 1986, had adopted a final document containing a chapter on the non-use of force. On the whole, his delegation regarded the adoption of that final document as a constructive step in the development of the process started with the Helsinki Final Act.

(Mr. Treves, Italy)

16. The chapter of the final document dealing with the issue of the non-use of force had a number of positive features. Firstly, it was strictly linked to the Charter of the United Nations, to which it made no additions and from which it made no subtractions. In particular, it avoided giving preference to some aspects of the principle over other aspects, while specifying that the principle was binding for every State in its relations with any other State. Moreover, it stressed the strict links between the principle of non-use of force and such other principles as those of self-defence and peaceful settlement of disputes, as well as the observance of human rights and the suppression of terrorism. Most importantly, the chapter of the Stockholm final document dealing with the question of non-use of force formed part of a much broader text containing chapters dealing with specific confidence- and security-building measures.

17. Italy still questioned the need to reaffirm a principle that was already binding for all States under the Charter of the United Nations. However, it had endorsed the reaffirmation of the principle in the relevant chapter of the Stockholm text because: firstly, the chapter in question was of a merely declaratory nature and, moreover, indicated the linkages with the other principles to which he had just referred; secondly, the reaffirmation of the principle was balanced by the detailed provisions on specific confidence- and security-building measures.

18. His delegation did not object to the drafting of a declaration reaffirming the principle of non-use of force. However, it would be unwise to decide to draft a declaration without prior agreement on its scope. It was certainly not enough to say that the objective to be pursued was the drafting of a declaration. Obviously, a declaration was not a binding instrument. The content of the proposed declaration should add nothing to the rights and obligations of States as laid down in the Charter of the United Nations, even by influencing their interpretation. Furthermore, a declaration on the principle of non-use of force in international relations should take the same approach as that adopted in the relevant chapter of the Stockholm final document, but should be adjusted so as to fit into the universal framework of the United Nations. That would involve finding, in the framework of the United Nations, an equivalent - in terms of political balance - to the various security- and confidence-building measures agreed upon at Stockholm. It would be worth while to reaffirm the principle of non-use of force in international relations only if the exercise was not undertaken in isolation from the reaffirmation of other principles. A good starting-point would be a serious commitment to adopt specific practical principles on the functioning of the conflict-prevention mechanisms of the Charter of the United Nations, such as those proposed by his delegation and other delegations in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. As far as procedure was concerned, his delegation was willing to consider all solutions that took into account the current financial difficulties of the United Nations and that would ensure an expeditious and efficient conduct of business on the basis of the adoption of decisions by consensus at all stages. The ideas put forward by the representative of Iraq in that connection were of considerable interest.

19. Mr. GILLET (Chile) said that his country had always attached the greatest importance to the principle of non-use of force. Nevertheless, since it was convinced that the use and threat of force were not due to the existence of lacunae in international law or ambiguities in the relevant legal norms, it did not subscribe to the normative approach in the work of the Special Committee. A mere reiteration of the relevant legal norms was obviously not a sufficient or even necessary condition for enhancing the effectiveness of the principle of non-use of force. Such purpose would be accomplished through the strengthening of the procedures, institutions and means for preventing conflicts or contributing to their peaceful settlement.
20. Due respect for international obligations was a necessary condition for the maintenance of international peace and security. Despite the strict terms of the Charter, however, the use of force continued. His delegation viewed with concern the way in which some States persisted in using military coercion as an instrument of their foreign policy in order to serve their hegemonistic and imperialistic ambitions. The cases of Afghanistan and Kampuchea were dramatic examples of those States' disregard of the Charter and international law.
21. Chile also felt that the concept of nuclear threat should include the threat posed by the preparation of nuclear programmes, specifically nuclear tests or explosions, and their harmful impact on other States. The threat posed by nuclear testing was the most unwarranted and unjust form of nuclear threat because it did not presuppose the existence of tension or deteriorating relations between the testing State and the affected State, but rather was based on geographical considerations.
22. Mrs. NORIEGA (Panama) said that what had prevented the Special Committee from obtaining concrete results was not disagreement as to the importance of principle of non-use of force, but the great differences of opinion as to how it should be implemented. However, in spite of the difficulties, the Committee had accomplished many of the tasks assigned to it in resolution 40/70, and the consensus proposals contained in its report (A/41/41) could serve as the basis for the conclusion of its work.
23. A time-limit should be established for the completion of that work, especially in view of the importance of the subject and the current financial difficulties of the United Nations.
24. The majority of delegations appeared to favour reformulation of the Committee's mandate. Her own delegation favoured the proposal, put forward by the representative of Iraq, that the Committee should concentrate on preparing a universal declaration on the principle. The idea had received support at the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held recently at Harare. Such a declaration must meet with general approval. It must neither clash in any way with the provisions of the Charter of the United Nations nor interfere with the delicate balance of existing provisions on the subject.
25. The Sixth Committee should determine whether the informal consultations proposed for 1987 would replace or supplement the work of the Special Committee. A

(Mrs. Noriega, Panama)

final point to be borne in mind was that the Special Committee, having dwelt on points of agreement, should focus in its next round of discussions on points of divergence, as had been suggested by the representative of Morocco.

26. The delegation of the Soviet Union deserved credit for softening its position and opening the way for new options. Those options had been reinforced by the successful outcome of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe.

27. Mr. SCHRICKE (France) said that his country had always been willing to assist in enhancing the effectiveness of Charter provisions relating to the principle of non-use of force, but would never agree to take part in an exercise capable of weakening that principle or others connected with it. For that reason, it had always opposed the idea of a treaty on the subject, which would inevitably have the effect of obscuring the scope of the principle set forth in Article 2, paragraph 4, of the Charter or of revising the Charter by irregular procedures. His delegation welcomed the fact that the chief sponsor of the idea had now apparently been persuaded to give it up. But even with the removal of that major barrier, the way to progress was not necessarily clear. The proposal now was to draft a declaration described as "universal", but its object and content, and the conditions for its preparator had not been universally agreed. His delegation did not agree that the proposed declaration should serve the purpose of revising and developing the principle of non-use of force set forth in the Charter, as seemed to be the intention of certain delegations. Furthermore, as several previous speakers, in particular the representatives of Romania and Pakistan had pointed out, the principle of non-use of force was closely linked to that of peaceful settlement of disputes and to the system of collective security embodied in the Charter. It was therefore impossible to consider one of those elements in isolation, without a risk of destabilizing and weakening the whole edifice of principles and mechanisms created by the Charter.

28. In the light of those considerations, his delegation would go along with the proposal for a declaration only on the following three conditions: first, the proposed declaration would have as its sole purpose that of enhancing the effectiveness of the relevant provisions of the Charter and would not claim to constitute a gloss on the actual content of the principle of non-use of force; second, the declaration would be drafted by general agreement, that being the only procedure capable of ensuring the usefulness of the exercise; third, drafting would take place within a framework in which the indissoluble links between non-use of force, peaceful settlement of disputes and the system of collective security could be considered at the same time.

29. Such a framework was already provided by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, which had before it proposals relating to the peaceful settlement of disputes and the operation of the collective security system. Nothing would therefore be easier or more natural than for that Committee to deal with the principle of non-use of



(Mr. Schricke, France)

force as well. The delicate balances established by the Charter could thus be respected and a genuine symbiosis achieved between the various issues involved. Only if those three conditions were fulfilled would his delegation feel assured that the proposed enterprise had a chance of success and, accordingly, be prepared to participate in it.

30. Mr. EDWARDS (United Kingdom), speaking on a point of order, said that the practice of collecting copies of a speaker's statement immediately after he or she had spoken created a disturbance and was discourteous to the next speaker.

31. The CHAIRMAN urged members to collect statements in as orderly a manner as possible; no more than two members should approach a delegation at the same time.

32. Mr. SCHARIOTH (Federal Republic of Germany) said that the reason for the Special Committee's disappointing record lay in the lack of agreement on its mandate. The only way to overcome that frustrating situation would be to draft a substantially changed mandate - one acceptable to all. To be successful, the Committee's work must be based on consensus, for there was no doubt that the principle in question was a fundamental one of current international law. His Government attached great importance to enhancing its effectiveness and had made non-use of force a basic tenet of its foreign policy.

33. As embodied in Article 2, paragraph 4, of the United Nations Charter, non-use of force was a clear and comprehensive norm of jus cogens. It needed no further clarification or elaboration, which would run the risk of diluting its universally accepted legal force. His delegation had consistently pointed out that the Special Committee's mandate to draft a world treaty on the non-use of force was deeply flawed. What was needed to enhance the effectiveness of the principle was not another normative document, but rather the political will of all Governments to abide scrupulously by existing obligations. A practical step towards that end would be to strengthen and make full use of mechanisms for the peaceful settlement of disputes and for the prevention of conflicts.

34. Fortunately, three recent developments were cause for cautious optimism that a new mandate for the Special Committee, acceptable to all, might be found. Firstly, the representative of the Soviet Union, in his statement earlier in the debate, had indicated that the Soviet delegation was no longer insisting on the idea of drafting a universal treaty on the non-use of force. Secondly, the recent non-aligned Conference in Harare had unanimously advocated a declaration, rather than a treaty on the non-use of force. Thirdly, the final document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe contained a section on the principle of non-use of force which did not purport to develop or change the principle itself, but was in balance with other sections containing very specific confidence-building measures that would help reduce distrust and thus enhance the effectiveness of the principle.

(Mr. Scharioth, Federal Republic  
of Germany)

35. A political declaration on the principle of non-use of force in the universal framework of the United Nations, complemented by the proposals on the prevention of conflict submitted by the delegations of Belgium, Italy, Japan, New Zealand, Spain, and the Federal Republic of Germany, might present a way out of the current deadlock.

36. Mr. ROSENSTOCK (United States of America) said that his delegation had followed with interest developments in Stockholm and Harare since the Special Committee's meeting earlier in the year, and had noted with appreciation the constructive tone of the greater part of the current debate, notwithstanding a few attempts to bring in issues extraneous to the work of the Sixth Committee.

37. The United States was in complete agreement with the assessment that the Special Committee had made no progress in its task. As it had stated in the past, his delegation believed that there were complex reasons why the principle was less effective than was generally desired, but lack of clear substantive content of the norm was not one of them. It made no sense to replace a proposed treaty with a General Assembly resolution if the focus continued to be on that content.

38. The way to enhance the effectiveness of the norm was to enhance respect for human rights, encourage the peaceful settlement of disputes and improve the effectiveness of the collective security system. The respective norms were contained in the Charter, and it was therefore in the context of the Charter and in the Special Committee on the Charter, that the question of enhancing the effectiveness of the principle of non-use of force should be explored.

39. His delegation had listened carefully to the procedural suggestions made by the representative of Iraq. It believed that informal consultations, combined with the work of the Special Committee on the Charter, would be the most efficient way of proceeding and the only reasonable one in the current financial crisis. It hoped that the Sixth Committee could reach a consensus on that method of work. The United States would support efforts to reaffirm the peremptory norm of non-use of force and enhance its effectiveness by focusing on the peaceful settlement of disputes and on practical measures to strengthen the collective security system.

40. Mr. RIVERA (Peru) said that the opportunities offered by General Assembly resolution 40/70 for producing a declaration on the principle of non-use of force in international relations had been a first sign of flexibility with respect to the mandate and work of the Special Committee on Enhancing the Effectiveness of the Principle. However, as long as there was no general agreement in the Committee and the idea of a treaty or other instrument concerned with the legal content of the norm was rejected, it would not be possible to address the main issue. In the mean time, to ponder repeatedly the Iraqi representative's proposals would be futile.

41. The United Nations should elaborate and develop all those elements that reaffirmed the principle of non-use of force, in the interests of international peace and security. That approach had been approved at the Conference of Heads of

(Mr. Rivera, Peru)

State or Government of Non-Aligned Countries, held recently in Harare. However, consideration should also be given to such other principles as peaceful settlement of disputes and compliance with treaty obligations, all of which constituted the indispensable legal basis for peaceful coexistence.

42. The current debate had been productive, and there seemed to be a desire to initiate work that would lead to a declaration. The Iraqi representative's proposals and the list of preliminary proposals submitted by some delegations in the Working Group of the Special Committee could serve as the basis for work to achieve a broad, effective and universal declaration. His delegation was willing to assist in the drafting of such a document.

43. Mr. GAUDREAU (Canada) recalled that the premise behind the establishment of the Special Committee had been that its work should lead to a treaty on the non-use of force; that idea had been rejected by a large number of delegations. The lack of satisfactory results was therefore not surprising.

44. The idea of a treaty on the question had been discussed at length at the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe. That Conference had also rejected it, for the same reasons put forward in the Special Committee.

45. The Non-Aligned Movement had called for the elaboration of a declaration on the non-use of force. That could have a positive impact on the work of the Special Committee, provided that such a declaration did not constitute an "intermediary stage", as the General Assembly had put it (resolution 40/70). Canada could, in principle, support a declaration of a political, non-normative nature, after the adoption of which the Special Committee's work would be complete. It was essential that such a declaration should seek to promote universal respect for - not redefine or reinterpret - the obligation set forth in Article 2, paragraph 4, of the Charter.

46. With respect to the most efficient method of elaborating a declaration on the principle, the representative of Iraq had proposed that informal consultations should be held in 1987, that the Special Committee should meet in 1988 and that the General Assembly should adopt a declaration by consensus, if possible, at its forty-third session. In view of the financial crisis, such a procedure would have the advantage of eliminating a session of the Special Committee in 1987. The current Chairman of that Committee could be requested to take steps to organize informal consultations in 1987 and to inform the General Assembly of their outcome at its forty-second session.

47. Mr. Voicu (Romania) took the Chair.

48. Mr. SENANAYAKE (Sri Lanka) stressed the special significance of the item under consideration in the current International Year of Peace. A genuine commitment on the part of the international community to the principles of the Charter, especially the one embodied in Article 2, paragraph 4, was more essential than ever. Although attention was inevitably and rightly concentrated on the stockpiling and use of nuclear arms, the threat to peace posed by large-scale proliferation and use of so-called conventional weapons should not be

(Mr. Senanayake, Sri Lanka)

underestimated. The 150 conventional wars and conflicts fought since 1945 had claimed more than 20 million casualties, and most of the resources for armaments were spent on conventional rather than nuclear weapons.

49. Today there existed many loopholes in the principle of non-use of force, and offending States could escape strong censure by the international community. The adoption of a universal declaration, and eventually of a world treaty, would close those loopholes and put new pressure upon States to abide by the principle. Until then, new instances of the use of force would undoubtedly occur, and some countries would remain under foreign occupation. The non-aligned and developing countries had suffered most in that respect, many of them having been victims of the use of force not only in its overt form but also in its covert form, for example, when States aided and abetted insurrection in other States or supplied arms and funds to groups fighting to overthrow democratically elected Governments. That form of action could be construed as a violation of Article 2, paragraph 4, of the Charter.

50. His country had repeatedly condemned all instances of the use of force, and had called for the withdrawal of foreign troops from countries under their domination. It had reaffirmed its support for the principle of non-use of force on many occasions, including the recently concluded Conference of the non-aligned nations at Harare. However, while remaining firmly committed to the principle of non-use of force, his delegation took the view that a declaration should include certain elements. The prohibition of the use of force should be without prejudice to the inherent right of self-defence as set forth in Article 51 of the Charter. The declaration should stipulate non-interference in the internal affairs of States. The principle of non-use of force should not in any way prejudice the right of peoples and national liberation movements recognized by the United Nations to struggle for their legitimate right of self-determination and against colonialism and foreign occupation. The declaration should stress the need for peaceful settlement of disputes and the need to create a new and stable order within which all States might live in peace and security.

51. Mr. DA COSTA (Angola) said that General Assembly resolution 40/70 had confirmed the urgent need for specific steps to be taken by all States with a view to enhancing the effectiveness of the principle of non-use of force in international relations. It was important that the United Nations should provide assistance in the endeavour to enhance the effectiveness of that principle. His delegation fully supported the proposals put forward by the General Secretary of the Central Committee of the Communist Party of the Soviet Union on disarmament, and the declaration by the socialist community on the elimination of all types of mass destruction and the peaceful settlement of disputes between States.

52. Angola, which had been under occupation since 1981 and, on a daily basis, faced acts of aggression by a country that was a State Member of the United Nations, supported, together with the other front-line States, the position taken at the Eighth Conference of Heads of State or Government of Non-Aligned Countries on the strengthening of the principle of non-use of force in international relations. Although the Angolan people had been independent for more than 10 years, they had not experienced a single day of peace. His delegation had therefore always been in favour of a treaty on the non-use of force in international relations.

53. Mr. BRENNAN (Australia) said that the principle of non-use of force was one of the corner-stones of the Charter of the United Nations and was a matter of vital importance to international peace and security. It was essential to commence with an analysis of the current legal situation regarding the principle, so as to see what further steps, if any, should be taken in that area.

54. The principle of non-use of force in international relations was already well-established in general international law. Indeed, the prohibition of the use or threat of force laid down in Article 2, paragraph 4, of the Charter was a peremptory norm of international law, the only exceptions to that norm being those contained in the Charter itself. His delegation believed that the Charter already provided a clear and detailed framework for the principle of non-use of force. Not only was the use of force prohibited by the Charter, but the Charter also established a detailed system for the peaceful settlement of disputes. The conclusion of his delegation's analysis was, therefore, that there already was an effective legal régime dealing with the principle of non-use of force. What was necessary now was the implementation of that régime literally and in good faith by all Member States.

55. At previous sessions, his delegation had emphasized that a treaty on the non-use of force was unnecessary. It therefore welcomed the abandonment of the proposal for a treaty. However, the adoption of a declaration would, at best, only duplicate the provisions of the Charter. At worst, it might give rise to interpretations that would not be consistent with the legal rules laid down in the Charter. In view of the financial situation of the United Nations, his delegation therefore submitted that the Sixth Committee should conclude its discussion on the item at the current session, and that if any legal aspects remained to be dealt with, they should be transferred to another item, such as the item dealing with the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

56. Mr. CAVE (Barbados) said that the item before the Committee was one of particular relevance to the island States of the Caribbean, whose seclusion had been violated by the emergence of international terror and mercenary activity. In the 40 years since the establishment of the United Nations, more than 150 wars had broken out, most of them in the developing world and virtually all of them involving external Powers. The international community must therefore ask itself why developing States should be so susceptible to armed conflict when the resources at their disposal were hardly sufficient to meet the daily needs of their deprived populations. Aspects of the conflicts in question seemed to suggest that the formal termination of the colonial relationship had given way to one in which new States had become pawns of the industrialized world.

57. The common denominator of deprivation, when exacerbated by conflicts of ethnicity, language and culture, precipitated the conditions from which armed conflicts emerged. Not to be overlooked was the apparent lack of compassion displayed by developed States for the social and economic aspirations of developing countries. Frustration and violence were inseparable. The vast resources that could be employed in the improvement of life for the poor were diverted to arsenals

(Mr. Cave, Barbados)

of destruction. The super-Powers and their allies seemed to have turned to the third world in the search for a safe theatre in which to pursue their conflicts. The developing peoples had been made proxies of the great Powers and dupes of the armaments industry. The desire of some developing States to acquire nuclear capability added a menacing dimension to that syndrome of dependence. Colonialism had returned in lethal attire. In fact, some would suggest that it had never really left, to judge by the situation in Africa, the Middle East, Asia, and the region of Central America and the Caribbean.

58. The small States of that region faced an unsettling dilemma. While expediency suggested that they should cast in their lots with those of their neighbours, the currents inherent in super-Power rivalry bade them to be cautious. They saw no salvation in the politics of hegemony and resented the arrogance and temerity of bipolar game-playing. Recent history sent a clear warning. Twenty-four years earlier, the world had stood on the brink of disaster when the emplacement of missiles in a Caribbean country had produced the first nuclear confrontation.

59. Wars erupted when the decision-makers lost their freedom to choose alternatives to war, when the sequence of policy decisions led to a point where a return to peace was impossible. The menace of an ideological contest continued in Central America and the Caribbean. The history of the Caribbean was a history of intrusion, in the course of which an entire civilization of indigenous people had been systematically removed from the face of the Earth. The latter-day citizens of the Caribbean States had no wish to succumb to such a fate.

60. The ferment in the region was of major concern to his Government, which continued to monitor and encourage all initiatives which had peace as their aim. His Government rejected any argument that had as its object the introduction of force, whether that force was from arms or economic power. Until the legitimate aspirations of the people of the region were taken into account, the causes of conflict would continue to fester. The problems of the region would find reliable solutions only when those directly involved were left free to develop their own systems and approaches. His Government urged all parties to the conflict in Central America to employ restraint and act responsibly. The efforts undertaken by the Contadora Group and the Support Group deserved support. Barbados had made public its wish to have the Caribbean recognized and respected as a zone of peace. That desire reflected the concern of a small island anxious to be free from the liabilities of super-Power politics, which had brought havoc and pain to thousands throughout the world and in the past 20 years had entered the region as a guest most unwelcome.

61. Mr. Francis (Jamaica) resumed the Chair.

62. Mr. EDWARDS (United Kingdom) said that the Special Committee's 1986 session had not represented a very prudent way of spending the dwindling resources of the United Nations. His delegation could not agree to the preparation of a new normative instrument on the non-use of force. The Charter of the United Nations contained a comprehensive code on the Pacific settlement of disputes. All the relevant provisions formed part of a complete whole which was carefully balanced and should not be disturbed.

(Mr. Edwards, United Kingdom)

63. Since the Special Committee's mandate was not acceptable to that Committee's membership as a whole, the prospects for progress remained bleak. Although at the Special Committee's most recent session many delegations had attempted to raise moderately new ideas or even interesting ones, it must be recognized that the Special Committee was engaged in a kind of abstract fantasy. It was important not to be misled into thinking that the discussions had somehow been constructive.

64. His delegation continued to believe that the Sixth Committee should try to find ways to bring the Special Committee's work to an end. As the representative of Iraq had indicated when putting forward a number of suggestions at the Sixth Committee's 9th meeting, the background against which the Sixth Committee was considering the question before it had changed in various significant ways over the past year. For example, there was the statement prepared at the Stockholm Conference, recalling the obligation of the participating States to refrain from the threat or use of force in any manner inconsistent with the Charter of the United Nations. That statement clearly showed the importance attached by the participating States to that vital obligation, which was already adequately reflected in the Charter and the various relevant declarations adopted over the years by the General Assembly. Furthermore, account must be taken of the position adopted by the Movement of Non-Aligned Countries at Harare in September. His delegation also noted that at the Sixth Committee's 9th meeting, the representative of the Soviet Union had made a statement that gave reason to hope that at the current session it might be possible to work out a generally acceptable solution.

65. Since it was clear that the Organization's work must be rationalized, his delegation would like to find a way of winding up the Special Committee in 1986, on the understanding that a suitable and generally acceptable non-normative document would be prepared. Such a document could be worked out in informal consultations, either in the margins of the 1987 session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization or, better still, as part of that Committee's programme of work. The Assembly could adopt a short resolution or decision at the current session to bring the Special Committee's existence to an end and to reflect the fact that work on a non-normative document would continue elsewhere.

66. The effect of the proposal he had just made would be that in 1987 there would be two main inter-sessional Committees meeting instead of three, which would be in keeping with the requirements arising from the financial situation facing the United Nations. His delegation was flexible about how a solution along the lines of its suggestion might be put into effect, and was anxious to discuss with other delegations how the Sixth Committee might proceed.

The meeting rose at 5.35 p.m.