



SUMMARY RECORD OF THE 12th MEETING

Chairman: Mr. FRANCIS (Jamaica)

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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 10.30 a.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. BERNAL (Mexico) said that the meetings of the Working Group of the Special Committee had led to very little progress with regard to the content and structure of the headings originally proposed by Ambassador Elaraby. Unfortunately, much of the remaining time had been spent on sterile procedural questions, with a reiteration of well-known conflicting positions.
2. The lessons of history obliged Mexico to be a faithful and constant advocate of the principles of non-interference and self-determination of peoples. Accordingly, it had always opposed the wrongful use of force and the threat of force. Full validity of the norms of international law was an indispensable pre-condition for the trust and justice which should prevail among civilized nations.
3. Peace was not an abstract notion based simply on an enunciation of principles. On the contrary, such principles acquired their true meaning through concrete application. The Judgment delivered on 27 June 1986 by the International Court of Justice concerning military and paramilitary operations against Nicaragua, the recent unanimous Declaration adopted by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare, and the progress achieved at Stockholm, together with many other declarations by States and recent resolutions of the Security Council and the General Assembly, afforded further evidence of the acceptance of the opinion that Article 2, paragraph 4, of the Charter embodied a principle that appertained both to customary international law and to the law recognized in the United Nations.
4. There undoubtedly existed within the international legal order a prohibition against the use of armed force, which applied not only in areas under the territorial jurisdiction of States, but also in other geographical areas that were protected by the law in the interest of the international community. In the past few decades, however, that prohibition had led certain States to seek other means of using force that apparently were not in violation of that legal norm.
5. The Special Committee's future work might therefore focus on the establishment of specific legal norms. Consideration might be given to such issues as preventive measures, the maintenance of political conditions for the eradication of the use of force, reprisals, the use of paramilitary force, the limits to individual and collective self-defence, the legitimacy of certain military pacts, economic and psychological coercion, enhancement of the effectiveness of Chapters VI and VII of the Charter, and the functions of the International Court of Justice.
6. The present paralysis of the Special Committee was due not so much to lack of clarity of the mandate, as to the refusal to accept the progressive development of secondary norms as a means of strengthening and complementing the principle of

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(Mr. Bernal, Mexico)

non-use of force. In that connection, the Special Committee should be given a mandate which was more realistic and could meet with unanimous approval. The future of deliberations on the item, whether during a resumption of work by the Special Committee or under a system of structured negotiations, would depend on a concerted political will to achieve a concrete positive result.

7. His delegation supported the idea of a declaration which would not merely reaffirm the will of States not to use force or merely reiterate existing principles and norms, but would represent a genuine attempt at lex ferenda. With a view to avoiding duplication of work, the mandate should as far as possible not cover aspects being considered in other United Nations forums, such as nuclear and conventional disarmament, terrorism, mercenarism, and the political settlement of disputes.

8. His delegation hoped that on the basis of those ideas, work would continue with a view to obtaining positive results for the benefit of the international community.

9. Mr. KUMAR (India) noted that the principle of non-use of force in international relations had long since been established as a peremptory norm of international law, and found concrete expression in Article 2, paragraph 4, of the Charter. Nevertheless, the world continued to be engulfed in conflicts which had the potential of exploding into full-scale nuclear war. The resurgence of the cold war, the arms race, the hegemonistic designs of big and small countries, the danger of extending the arms race into outer space, flagrant interference in the internal affairs of States, and direct and indirect subversion continued to threaten world peace. Never had the balance between war and peace been so precarious.

10. An onerous but undeniable responsibility was thus cast on the United Nations to prevent the world from sliding into a thermonuclear war. His delegation therefore supported the initiative for a world treaty of a normative character with a view to the further concretization of the principle of non-use of force. While the Charter incorporated the principle in its various provisions, a further reiteration was likely to advance the cause of world peace and peaceful settlement of disputes.

11. The drafting of a world treaty would be consistent with the post-war trend in accordance with which the emergence and development of the norms of international law had followed the path of progressive development and concretization of the general principles and provisions contained in the Charter of the United Nations. It was unfortunate that years after the announcement of the Special Committee's mandate to draft a world treaty or "such other recommendations as the Committee deems appropriate", no substantive progress was in sight. It was ironic that in the current International Year of Peace, the international community was caught up in futile controversies regarding the nature and substance of the proposed treaty, the ambit of the mandate suggested or the intermediate declaration.

(Mr. Kumar, India)

12. Despite its known preference for a world treaty, India had proposed at the fortieth session of the General Assembly, in the interest of securing a consensus, that the Special Committee's mandate, which had proved to be a major hindrance to a general consensus, should be modified. Without consensus, the Special Committee's work would be impeded by pointless polemics, which would fritter away the limited resources of the United Nations.

13. The Special Committee's task of codifying a legal and moral framework for world peace was the first imperative of the United Nations system and indeed the very reason for its existence. India therefore supported the renewal of the Special Committee's mandate and continuation of its work. It endorsed the Harare Declaration adopted by the non-aligned countries, which expressed hope in the Special Committee's work relating to the declaration on the principle of non-use of force.

14. Mr. NYAMDOO (Mongolia) said that his delegation attached great importance to the question of the enhancement of the effectiveness of the principle of non-use of force, which was directly linked to the strengthening of international peace and security. Current international tensions could be eliminated once the element of force in relations between States had been eliminated. It was important to guarantee observance of the principle of non-use of force through political, legal and material safeguards, which would be possible given the necessary good faith on the part of all States, particularly countries with nuclear capability.

15. In that connection, his delegation welcomed the commitment undertaken by the Soviet Union and China not to be the first to use nuclear weapons, as well as the Soviet Union's unilateral moratorium on all types of nuclear explosions and the Soviet programme for the gradual elimination of nuclear weapons by the end of the century.

16. Attention should also be drawn to the proposal submitted by the socialist countries at the forty-first session for the establishment of a comprehensive system of international peace and security. The essence of the proposal was the unconditional renunciation of war and of the threat of force as a means of settling disputes between States of a political, economic or other nature. Relations between States should be based on peaceful coexistence and respect for their security interests. Moreover, the principle of non-use of force should also apply to outer space and should include the obligation to refrain from the use of nuclear weaponry either in outer space or from outer space against the Earth.

17. His delegation noted with satisfaction that the political declaration adopted by the Eighth Conference of Heads of State or Government of Non-Aligned Countries fully supported the idea of a universal declaration prohibiting the use of force in international relations.

18. The universal character of the principle of non-use of force meant that that principle must be applied not only in Europe but also in other regions of the world. For example, the current situation in Asia required an urgent endeavour to

(Mr. Nyamdoo, Mongolia)

ensure that all the States of the region participated actively in the joint effort to find ways and means of strengthening security and co-operating in achieving a political solution to crises and pressing problems. Mongolia had proposed the establishment of machinery to prevent force from being used in relations between the States of Asia and the Pacific. That proposal should be considered together with the proposals put forward by other countries whose goal was to lay down in legal terms the principle of non-use of force in international relations in certain regions or throughout the world.

19. The report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations (A/41/41) reflected the support of the majority of States for the preparation of a declaration on the principle in question. The papers submitted to the Special Committee provided a good basis for the preparation of the future declaration. The declaration would reaffirm the principle, taking account of the realities of the current nuclear and space era and would stress the need to prohibit all types of weapons, both nuclear and conventional, as a contribution to the strengthening of peace and the enhancement of the international situation as a whole.

20. A number of delegations had proposed that informal consultations should be held in order to facilitate the drafting of a declaration. Although his delegation did not object to informal consultations, it believed that they should not replace discussions in the Special Committee. Moreover, it believed that the requirements had now been met for the completion by the Special Committee in the near future of the draft declaration, which would be yet a further inducement to the international community in its endeavour to strengthen peace and security.

21. Mrs. KRAUDIE (Nicaragua) said that the lack of the necessary political will among some States, which had made it impossible to attain the goals that were the justification for the Special Committee's existence must be overcome, taking account of current events. The task of reaffirming and laying down the principle of non-use of force concerned all the members of the international community if there really was the political will to promote international peace and security and to defend and safeguard the international legal order that guaranteed the sovereignty and territorial integrity of States, the freedom of peoples freely to choose their own political, economic and social systems, the peaceful settlement of disputes and the right of individual or collective self-defence.

22. The international community must respond to the threat represented by the policy of force advocated by some States; otherwise, if that policy became established, it would be a threat to the international legal order. Nicaragua, which for the past five years had been the victim of the consequences of the policy of force against it advocated by the largest Power in the world for the purpose of overthrowing its Government under the pretext that Nicaragua constituted a threat to that Power's security, endorsed the views expressed by the Special Committee in paragraphs 32 to 36 of its report. In keeping with that position, Nicaragua had endeavoured, through various forms of machinery for the peaceful settlement of disputes, to solve the problems confronting it as a result of the policy of force in question, which had so far led to over 33,000 casualties among children, young people, women and elderly people.

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(Mrs. Kraudie, Nicaragua)

23. That policy of force had been condemned and rejected by the countries of Latin America and the Caribbean, the Movement of Non-Aligned Countries, the United Nations and the international community. On 27 June 1986, a historic and unprecedented judgment, the International Court of Justice had condemned the policy of force pursued by the United States, and had ordered that country to put an immediate end to its acts of aggression, to compensate Nicaragua and to settle the dispute by peaceful means. Her delegation wished to request the Sixth Committee to ensure that account was taken of the reasoning and opinions set forth in the judgment in question, which already formed part of international law, in the preparation of the legal instrument that was to be drafted in order to reaffirm the principle of non-use of force in international relations.

24. The Judgment was of historical importance, not only because it dealt with the current policy of intervention and the threat and use of force, which was an unprecedented case at the International Court of Justice, but also because of the parties to the dispute - a small State and a super-Power that was a permanent member of the Security Council and one of the founders of the United Nations and the International Court of Justice.

25. Nicaragua had taken the case to the International Court of Justice in order to support and strengthen international relations and confirm the rights of all small States to their sovereignty, political independence and territorial integrity. The Court had rejected every one of the grounds on the basis of which the most powerful country on the globe had attempted to justify to the rest of the world its policy of intervention, and had, moreover, reaffirmed the obligation of States to seek to solve their disputes by peaceful means. Disregard for the Judgment set a dangerous precedent in international law. A State was placing itself outside international law and rejecting the basic machinery upon which the Court's functioning was based in not recognizing, inter alia, that it was solely for the International Court to decide on its competence, that non-compliance with the Court's judgments undermined the international legal order and that those judgments were final and without appeal.

26. Nicaragua was in favour of the renewal of the Sub-Committee's mandate for the purpose, as a first step, of drafting a declaration as an intermediate stage in the preparation of a world treaty reaffirming the principle of non-use of force in international relations.

27. Lastly, in the International Year of Peace all Member States should: reaffirm their commitment to settle their disputes by peaceful means; undertake to refrain from carrying out any act that might exacerbate a given situation or conflict; and reaffirm that the existence of a dispute or the failure of a procedure for the peaceful settlement of a dispute did not justify the use or threat of force.

28. Mr. CIGANOVIĆ (Yugoslavia) noted that the debate on the Special Committee's report at the fortieth session of the General Assembly had highlighted countless instances of the use of force, foreign interventions, aggressions and armed conflicts. He wondered what steps had been taken or could and should have been

(Mr. Cicanović, Yugoslavia)

taken during the International Year of Peace to strengthen the effectiveness of the principle of non-use of force in international relations. All the dangers, contradictions and conflicts continued to prevail and to threaten international peace and security. That situation had greatly affected the deliberations of the Special Committee which, despite the slight change made in its mandate at the fortieth session of the General Assembly, had failed to make any progress.

29. Some countries, for reasons beyond the scope of the Special Committee, had shown no readiness to work on the substantive issues related to enhancing the effectiveness of the principle of non-use of force, thus making it impossible to reach agreement on preparing a basic document. After years of work, it had at last become clear that the only acceptable way to proceed was to work out a declaration on the non-use of force in international relations. The non-aligned countries, which at the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare, had expressed their concern at the exacerbation of the use of force and acts of aggression in recent years, had declared themselves in favour of a universal declaration.

30. Realizing the difficulties that stemmed from the consideration of such important issues, Yugoslavia had displayed flexibility in its endeavours to bring about generally acceptable solutions. If there was now a genuine desire to contribute to the restoration of confidence in the role of the United Nations and respect for the obligations enshrined in the Charter, however, a consensus must be achieved at the current session in order to begin drafting the declaration. If such a consensus was reached, it would not be difficult to achieve that goal in a short period of time. Those delegations which had tied the commencement of substantive work in the Special Committee to progress in other areas outside the Committee or the United Nations were encouraged by the success of the first stage of the Conference on Confidence- and Security-building Measures and Disarmament in Europe and by the announcement of the second summit meeting soon to be held between the United States and the Soviet Union.

31. It was also encouraging that certain countries had indicated in the debate their readiness to work on the declaration. In such a situation, he felt that additional efforts should be made at the current session of the General Assembly to overcome the differences which had prevented the achievement of concrete results in the past. Yugoslavia would give its active support to achieving a consensus on the declaration, for that would help not only to enhance the effectiveness of the principle of non-use of force in international relations but also to consolidate multilateralism and confidence in the capacities of the United Nations. At the same time, he hoped that the need to achieve consensus would not be used to paralyse the Special Committee's work. Lastly, concerning the procedure for preparing the declaration, he drew members' attention to the relevant and very good proposals by the representative of Iraq.

32. Mr. AL-KHASAWNEH (Jordan) said that the Special Committee's work had always been viewed in terms of East-West rivalry and from pre-determined points of view. At various stages in that Committee's history, the non-aligned countries had made

(Mr. Al-Khasawneh, Jordan)

proposals intended primarily to prevent a complete deadlock in its work. Those proposals, together with the informal working paper put forward by Ambassador Elaraby in 1982, had helped to prolong the Committee's life but had not brought the Committee any nearer to fulfilling its mandate. That state of affairs did not do much to enhance the reputation of the United Nations. Nevertheless, his delegation was gratified to note that there seemed to be a widely held view, occasioned perhaps by the financial crisis facing the Organization, that a way out of the impasse in which the Special Committee found itself must be sought urgently. He noted, in that regard, the timely and constructive proposal made by the representative of Iraq, which he supported unreservedly. That proposal must have the support and goodwill of all the delegations having a particular interest in the item, however. If the proposal did not command the necessary support, his delegation would agree to a renewal of the Committee's mandate on the understanding that its work would be so structured as to resemble the informal consultations proposed by Ambassador Al-Qaysi.

33. As to the substance of the matter, he noted that the argument had often been put forward that the malady which the Special Committee had set out to cure had its origin in the lack of political will on the part of States and that the proper remedy therefore lay more in strengthening that will than in adopting legal measures. He felt that such a so-called "realistic" position, apart from being beyond verification, amounted to little more than pleading the very existence of widespread international illegality to counsel against a proper legal response. In similar situations in the past, the international community had in fact adopted legal measures which, by clarifying and reaffirming existing obligations, made it more difficult for wrongdoers to place unjustified interpretations on the prohibition of the threat or use of force. In addition, strengthening the political will of States and adopting appropriate legal measures were not mutually exclusive.

34. It had also been argued that adopting legal measures to enhance the effectiveness of the principle of non-use of force could lead to departures from existing Charter obligations which would be dangerous, or would merely reiterate them, which would be superfluous. That argument would mean putting an end to efforts to codify and progressively develop international law, an approach which in his opinion was incompatible with viewing international law as a living and dynamic system the ultimate aim of which was to establish the rule of law at international level. Furthermore, a normative instrument in that field did not have to constitute a departure from existing Charter obligations. Examples abounded of situations where States had assumed legal obligations which spelt out in greater detail the provisions enshrined in the Charter. The international community had also resorted collectively to that process, as was exemplified by the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, or the Definition of Aggression.

35. Paragraph 25 of the report contained proposals which, if acted upon, would give the Special Committee such a wide mandate as to practically encompass the whole area of international law. The report indicated, moreover, that emphasis had

(Mr. Al-Khasawneh, Jordan)

been placed on the desirability of a case-by-case analysis of recent manifestations of the use of force so as to try to identify their causes. He wished to point out in that respect that the Committee was not, nor could it be, an official body of historians. As George Santayana had said, it was easy to predict the future but impossible to ascertain the past.

36. With regard to paragraph 32, under heading E, he accepted that there was a link between the principle of the peaceful settlement of disputes and the principle of non-use of force, but that did not mean that the two principles constituted a "package deal" because the latter stood on its own. Besides, the question of the peaceful settlement of disputes was a separate agenda item. He also felt that the Special Committee, in discussing Ambassador Elaraby's paper, had followed a fragmented approach, with the result that the debate had been completely unfocused, ranging from such matters as human rights to State succession.

37. His delegation felt that the future instrument should be normative in thrust and should reflect, in the first place, the development of international law since the adoption of the Charter, for which the jurisprudence of the International Court of Justice was an ideal source. The 1971 advisory opinion on Namibia was a prime example of what could be reflected in the future instrument. Lastly, another area where the enhancement of the principle of non-use of force was possible and necessary was self-defence, which had degenerated from an exception to the prohibition against the threat and use of force to an open licence used unscrupulously to justify aggression and territorial expansion.

38. Mr. JOSHI (Nepal) observed that, although the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations had been engaged in its task for almost a decade, its results were still inconclusive. That was not due to any lack of effort on the part of the Committee but rather to lack of the necessary will on the part of some Member States. As a member of the Special Committee, Nepal had participated in all the discussions on that issue and felt disillusioned at the inapparent lack of seriousness.

39. As a small country, Nepal attached great importance to the non-use of force and believed strongly that that principle, as embodied in Article 2 (4) of the Charter, should be strengthened since more and more countries were resorting to the threat or use of force. It had therefore supported wholeheartedly General Assembly resolution 40/70. Nepal's support for the enhancement of the effectiveness of the principle of non-use of force was not confined to rhetoric alone, but was an integral part of its national policy. It was on that basis, and in the conviction that Nepal's security and development could best be safeguarded in an atmosphere of peace and co-operation among countries, that His Majesty King Birendra Bir Birkam Shah Dev had proposed that Nepal be declared a zone of peace.

40. His delegation therefore recommended that the mandate of the Special Committee should be extended further to enable it to finalize the drafting of the declaration referred to in paragraph 2 of General Assembly resolution 40/70.

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41. Mr. SOMOGYI (Hungary) said that the principle of non-use of force in international relations was one of the questions that deserved the utmost attention of the Sixth Committee in view of certain alarming phenomena of inter-State relations, in particular the danger of a nuclear conflict, the ongoing arms race (including designs to extend it to outer space), prolonged armed conflicts and other crisis situations, aggressive acts and armed strikes against the sovereignty and territorial integrity of States. That confirmed the urgent need for resolute steps to be taken by the United Nations to enhance the effectiveness of the principle of non-use of force in international relations.

42. During past sessions of the General Assembly, his delegation had given its unequivocal support to the USSR proposal aimed at elaborating an international legal instrument which would concretize the principle, and the position of his delegation remained unchanged at the forty-first session. Bearing in mind the current international situation, in which trends of confrontation and détente were at work simultaneously, the delegation of Hungary was convinced that each and every opportunity should be seized by the United Nations. More specifically, it had in mind that the Sixth Committee should encourage respect for the fundamental principles and norms of international law and, first and foremost, should reinforce the prohibition of the use or threat of force in violation of the United Nations Charter.

43. For the past decades, the socialist countries, and Hungary among them, had come forward with a considerable number of constructive proposals aimed at genuine and effective disarmament and increasing confidence through dialogue and co-operation among States. Those proposals included: the renunciation by every nuclear Power which had not yet done so of the first use of nuclear weapons; a general and complete ban on nuclear weapon tests (and in that context mention should be made of the moratorium on nuclear testing unilaterally announced and several times extended by the USSR); the elimination of nuclear weapons by the end of the century; the radical reduction of conventional armed forces and armaments in Europe; and the establishment of a comprehensive system of international peace and security. The proposals of the socialist countries had been put forward, not in order to obtain unilateral advantage, but with a view to preventing a nuclear war, curbing the arms race and halting and reversing unfavourable trends threatening the future of mankind.

44. As a European country, Hungary could not fail to mention the significance of the agreement on reducing the risk of war in Europe which had been recently concluded at Stockholm. In the accords, the participating States had confirmed their commitment to the principle of non-use of force in their relations.

45. The Special Committee on Enhancing the Effectiveness of the Principle of Non-use of Force in International Relations had an important role within the United Nations: to contribute to the progressive development and codification of international law. His delegation had therefore been honoured by the election of Mr. Gyula Szelei-Kiss as Chairman of the 1986 session.

(Mr. Somogyi, Hungary)

46. After recalling that, on the proposal of the co-sponsors, the General Assembly at its fortieth session had decided that the Special Committee should focus its work on the elaboration of a declaration on the non-use of force in international relations (resolution 40/70), he said that the Special Committee had managed to make some progress, not least because of the serene atmosphere that had prevailed throughout the session. His delegation was particularly encouraged by the fact that in the course of the session a group of delegations had submitted a list of concrete proposals for inclusion in a possible future document to be worked out by the Special Committee. Such proposals deserved thorough study and further consideration by the Committee.

47. With regard to the suggestion that informal consultations should be held among the members of the Special Committee, his delegation was of the firm view that such consultations would be of value only if they were aimed at facilitating the Special Committee's work rather than creating a separate forum for discussion. Given the necessary political will of Governments and an atmosphere propitious for serious negotiations, the Special Committee would be able to carry out its task successfully. His delegation lent its full support to the renewal of the Committee's mandate and was ready to take an active part in its next session.

48. Mr. AL-ATTAR (Syrian Arab Republic) said that enhancing the effectiveness of the principle of non-use of force in international relations was one of the most urgent questions of the day, because international tensions had reached such a level that they could well trigger a nuclear war. Tension was particularly high in certain regions of the world, above all in the Middle East.

49. The Syrian Arab Republic attached great importance to the question being debated, because it had suffered for many years and continued to suffer the consequences of the violation of the principle of non-use of force. Part of its territory, the Golan, together with other Arab territories, had been occupied by force by Israel since 1967. Israel had also attacked Lebanon and occupied part of its territory. The use of force by Israel to usurp the territory of neighbouring countries had been encouraged by the attitude of the United States, which provided Israel with financial aid, arms and political support. The United States, which had a special responsibility in maintaining international peace and security, had repeatedly resorted to force in its relations with other countries, as illustrated by its recent aggression against Libya, including the attack on civilian targets, and its support of the racist régime in South Africa, which in turn had been committing acts of aggression against the independent countries of the region. Hence, the United States was undermining the principle of non-use of force in international relations, replacing it by the use of force and the law of the jungle. Those countries that based their policy on force were the very countries which opposed the application of the provisions of Chapter VII of the Charter and were attempting to restrict the mandate of the Special Committee and limit its work to formal and procedural questions in order to prevent it from examining the question for the study of which it had been set up. They were the countries which maintained that a review of the United Nations Charter should not be contemplated, even though they had stripped the Charter of all practical force.

(Mr. Al-Attar, Syrian Arab Republic)

50. The use by the United States of the veto in the Security Council to oppose any draft resolution condemning Israel for its aggressive and expansionist policy, or even urging compliance with the 1949 Geneva Conventions, clearly showed that the United States claimed to defend the principles of the Charter because it was in a position to impede their application by vetoing any measure that did not coincide with its interests.

51. His delegation maintained that, in view of the grave escalation of the use of force by certain States to impose their will and occupy and control territories, under the pretext of the exercise of self-defence and even the alleged upholding of democracy and human rights, it was necessary to reaffirm the principle of non-use of force in international relations. Events since the drafting of the United Nations Charter had proved ample precedents and practice with regard to that principle, thereby justifying the drafting of a document which concretized the prohibition of the use of force, in conformity with other documents designed to promote the application of the provisions of the Charter and strengthen various obligations based on the principles involved, such as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Definition of Aggression and the Manila Declaration on the Peaceful Settlement of International Disputes. The Charter itself provided for the possibility of drafting such instruments and even established the need to do so. It also authorized the General Assembly to consider the general principles of co-operation in the maintenance of international peace and security to make recommendations for the purpose of encouraging the progressive development of international law.

52. In view of the attempts to paralyse the mandate of the Special Committee, his delegation would support any proposal aimed at enabling the Special Committee to overcome the current stalemate, such as the holding of informal consultations in order to reach an agreement on the adoption of an international instrument designed to curb the partisans of aggression and expansion.

53. The seven headings in the report of the Working Group of the Special Committee provided a good basis for discussion, bearing in mind the proposals and comments presented or to be presented by Member States, especially with regard to the recognition of the right of peoples and national liberation movements to use force to achieve self-determination and the liberation of their territories, and with regard to the notion that the use of force included all forms of economic and political coercion, propaganda campaigns, subversion, pressure, intimidation and covert operations aimed at the overthrow of Governments.

54. Lastly, he noted that application of the consensus requirement would continue to complicate the Special Committee's work. He welcomed the efforts made by the Chairman of that Committee to advance its work. He likewise supported continuation of the Committee's work so that it could draft a comprehensive legal text reaffirming the principle of the rule of law in international relations, as opposed to the rule of force, thereby contributing to the maintenance of international peace and security based on collective security and not on the satisfaction of individual interests.

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55. Mr. AL-DUWAIKH (Kuwait) said that, although the Special Committee had been unable to achieve tangible results at its latest session because of the inflexible positions of the parties, there was a possibility that it would be able to carry out its task, since General Assembly resolution 40/70 had entrusted it with drafting, as an intermediate stage, a declaration on the non-use of force in international relations. That resolution provided a solution which was acceptable to both sides and enabled the Special Committee to break the impasse in which it had found itself since its creation in 1977. Some difficulties remained, however, which were hindering the negotiations currently in progress between the Western and Eastern blocs on the drafting of a world treaty. His delegation welcomed the flexibility shown by the Union of Soviet Socialist Republics at the 1985 session in order to overcome the main obstacles with regard to that issue.

56. Since a constructive political environment currently prevailed between the super-Powers, his delegation believed that the Special Committee would be able to overcome most of the obstacles which were hindering its work. He therefore appealed to both sides to show the greatest possible flexibility in order to achieve a compromise formula in that area. Although Kuwait was not a member of the Special Committee, it was prepared to co-operate fully in seeking such a solution. The Special Committee was in a position to fulfil its mandate, as was demonstrated by the working papers which it had had before it for a long time now and which referred to the political positions of the negotiating parties. All that was needed was for some of the parties to show the necessary political will to accept a compromise on the issue of the final form to be taken by the Special Committee's work.

57. Mr. GARVALOV (Bulgaria) said that the current international situation was marked by States' growing awareness of their responsibility for the future of mankind. Greater interdependence increased the need for a new approach to international relations, for policies based on existing realities and for an equitable dialogue among States with different social systems. One recent important example of such an approach was the agreement between the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Gorbachev, and President Reagan, to hold a summit meeting. In Bulgaria's view, one of the objectives of that meeting was to curb the material basis for the use of force in international relations.

58. There were ample opportunities for improving the international situation and for restoring confidence among States. What was needed, however, was a decisive and sincere transition to a policy of realism and concerted action and, above all, the cessation of the arms race, in particular the nuclear arms race, and the non-militarization of outer space. A new approach to averting a nuclear war was needed, one of moving beyond a narrow understanding of class and national interests and beyond ideological and other differences, for in the nuclear age it was necessary to think and act in global terms, giving priority to the interests of all mankind, and to master the difficult art of coexistence.

59. In the International Year of Peace, it was particularly appropriate to consider the activities of the United Nations in developing and strengthening the basic principles embodied in its Charter. There was ample evidence of that

(Mr. Garvalov, Bulgaria)

activity in the Organization's more than 40 years of existence, for which the Sixth Committee as well as the special committees set up within its framework deserved credit. The inclusion of the principle of non-use of force in the Charter of the United Nations was the result of the continuous development of the entire system of contemporary international law and the efforts of many countries with different socio-economic systems. Since the proposal for elaborating a World Treaty on the Non-Use of Force in International Relations had been submitted, the socialist countries had proposed a number of constructive initiatives concerning the entire spectrum of issues related to the cessation of the arms race, the building of stability and security in international affairs and the non-use of force or the threat of force. Those initiatives and proposals were well-known and included the fourth extension of the unilateral Soviet moratorium on nuclear weapons tests, which testified to the serious approach adopted by the Soviet Union to solving that problem. Far from being a propaganda measure, as some claimed, that was a genuine step aimed at curbing the arms race, in particular the nuclear-arms race, and therefore deserved a positive response and the requisite constructive attitude.

60. His delegation was doing everything within its power to help improve the international situation and eliminate the danger of a nuclear conflict. For more than 40 years, Bulgaria had been pursuing a peaceful and constructive foreign policy, in full conformity with the principles of the United Nations Charter and with the aim of strengthening international peace and security and promoting co-operation in the Balkans, in Europe and throughout the world. The most recent manifestation of that policy was the Declaration of Friendship, Good-Neighbourliness and Co-operation between the People's Republic of Bulgaria and the Republic of Greece, signed at Sofia on 11 September 1986.

61. The People's Republic of Bulgaria, together with the vast majority of Member States, deemed it necessary urgently to undertake effective measures to prohibit the use of force in international relations. Consequently, it attached great importance to the work of the Special Committee. Despite the difficulties which the Committee had encountered thus far, Bulgaria believed that the Committee's work as a whole should be commended. Its most recent sessions had demonstrated that the differences among delegations were not insurmountable, and an agreement in principle had been reached on certain specific issues concerning the future activities of the Committee. The flexible approach of those countries which had agreed to draft a declaration as a first step towards fulfilling the Committee's mandate was also commendable. That constructive approach had provided the basis for uniting the Committee's efforts and continuing its mission.

62. With regard to the proposals to hold informal consultations to expedite the Special Committee's work, although analogies had been drawn with the preparation of the diplomatic Conference on the Law of Treaties between States and International Organizations or between International Organizations, where that method of work had demonstrated its utility, his delegation recalled that the informal consultations in that case had been held to consider an already existing draft. His delegation was of the view that informal consultations could also be held at an appropriate stage in the Committee's work and that such consultations could be useful if they were held parallel to the work of the Special Committee.

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(Mr. Garvalov, Bulgaria)

63. The drafting of a declaration on the non-use of force in international relations would be a serious step towards carrying out the task entrusted to the Special Committee by the General Assembly, namely, enhancing the effectiveness of the principle embodied in article 2 (4) of the Charter. The activities of the Special Committee would undoubtedly be conducive to improving the international climate and to eliminating the confrontational tendencies which had emerged in recent years, as well as to decreasing the threat of a nuclear conflict. In that respect, his delegation believed that it was possible to accomplish those goals in the near future, as was attested to by the urgent demands of world public opinion and by the decision of the Conference of Heads of State or Government of Non-Aligned Countries held recently at Harare to call on the United Nations to adopt a declaration on the non-use of force in international relations. Lastly, he hoped that at the coming sessions of the Special Committee, all members would show the maximum spirit of co-operation and goodwill so that the Committee could fulfil its task. His delegation would spare no effort in contributing to that end.

The meeting rose at 12.15 p.m.