



SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. FRANCIS (Jamaica)

later: Mr. JESUS (Cape Verde)

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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

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The meeting was called to order at 10.40 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 (A/41/41; A/41/81-S/17723 and Corr.1, A/41/411-S/18147 and Corr.1 and 2)

1. Mr. SZELEI-KISS (Chairman of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations), introducing the report of the Special Committee on the work of its 1986 session (A/41/41), recalled that the mandate of the Special Committee was contained in General Assembly resolution 40/70. When the Special Committee had convened earlier in 1986, there had been general agreement among its members that essential steps had been taken to improve the international climate and increase mutual confidence, which could give a beneficial impetus to the work of the Committee.
2. There continued to be general agreement on the importance of enhancing the effectiveness of the principle of non-use of force in international relations. The Special Committee had commenced its work with a general exchange of views. A considerable number of States had reiterated that, having taken into account the position of other groups of States, they were ready to start preparing a declaration as an intermediate stage, as was called for in the new approach adopted in General Assembly resolution 40/70 (paras. 18-23 of the report of the Special Committee).
3. Another group of States had maintained their position that the Special Committee should concentrate its efforts on finding common ground on the second part of its mandate, rather than engaging in drafting the declaration, which they opposed. They had reaffirmed that the best way to make a useful contribution to enhancing the effectiveness of the norm was to focus on how to make the collective security system function better (paras. 24-28 of the report).
4. Another group of delegations, following the previous year's practice, had refrained from participating in the general exchange of views, reiterating that, in their opinion, to achieve progress in the Special Committee, it was necessary to concentrate efforts in the Working Group (para. 11).
5. The bulk of the work accomplished during the 1986 session was described in section III of the report (paras. 29-90). The Working Group of the Special Committee had agreed to search as in the past for common ground for a possible agreement on a number of headings, on the understanding that during the discussion delegations would be free to submit proposals in accordance with the mandate contained in General Assembly resolution 40/70.
6. In the light of the new approach adopted by the General Assembly in resolution 40/70, a group of delegations had put forward a list of proposals for inclusion in a possible future document to be worked out by the Committee. That list also contained provisions to be incorporated in the preamble to the future document. Although there had been a preliminary consideration of the proposals, no final conclusions had been reached concerning any of them (para. 90).

/...

(Mr. Szelei-Kiss)

7. In commenting on the session as a whole, some delegations had stressed the need to achieve agreement on a mutually acceptable mandate, which, in the view of some, could focus on the elaboration of a political declaration and, in the view of others, on the formulation of practical measures (para. 91). Other delegations had urged all the parties concerned to adopt by general agreement at the next session of the General Assembly a revised mandate which would request the Committee to elaborate only a declaration (para. 92). Still other delegations had pointed out that the mandate was realistic and had appealed to certain members to show the necessary political will to make a constructive contribution (para. 93).

8. Since the Special Committee had not completed its work, its members had generally recognized the desirability of further consideration of the question before it on the basis of the broadest possible agreement (para. 16).

9. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that the question of the non-use of force in international relations was of the utmost importance since on its solution depended the maintenance of peace and security and the prevention of nuclear war. The international community understood the need to settle that question and, in that respect, the forthcoming meeting between the General Secretary of the Communist Party of the USSR, Mr. Gorbachev, and the President of the United States, Mr. Reagan, should promote the achievement of solutions to fundamental world problems.

10. In the current nuclear and space age, respect for the principle of non-use of force in international relations was essential. The use of force could not increase general security or the security of any individual State. Given the existence of nuclear weapons, war was unthinkable. It was therefore essential to adopt a new way of thinking that would banish any idea of war, either nuclear or conventional, and renounce the use of force as a means of settling disputes. In his political report to the Twenty-seventh Congress of the Communist Party of the USSR, Mr. Gorbachev had pointed out that the world had become too small for wars and a policy of force, and had referred to the need to modify the thinking that accepted the existence of wars and armed conflict. Efforts to enhance the principle of non-use of force were inseparable from mankind's aspirations to create a safer world.

11. The Soviet Union was making every possible effort to achieve implementation of the principle of non-use of force in international relations, one example of which was the agreements it had concluded with such countries as France, the Federal Republic of Germany, Italy, the United Kingdom and the United States of America. He also pointed out that there were clauses against the use of force in such instruments as the Declaration on the Strengthening of International Security and the Definition of Aggression.

12. The Soviet Union had taken a series of important initiatives in its foreign policy. In his statement on 15 January 1986, Mr. Gorbachev had referred to disarmament measures that would free mankind from the burden of nuclear weapons. The moratorium on nuclear-weapon tests, which the Soviet Union had been observing

(Mr. Ordzhonikidze, USSR)

for over a year, was based on the premise that States which refused to resort to force had no need to carry out tests. The moratorium demonstrated that the Soviet Union wished to put an end to the arms race. Similarly, the USSR had formulated a declaration whereby it had undertaken not to be the first to use nuclear weapons. If countries which still had not made similar declarations followed the example of the Soviet Union and China, it would be a great step towards the implementation of the principle of non-use of force.

13. It was particularly important to prohibit the use of force in outer space. The Soviet Union advocated an end to the militarization of space so as to prevent the use of force in or from outer space. During the current session, the Soviet Union had submitted to the General Assembly a programme of peace to guarantee the conversion of outer space into a zone of peaceful co-operation instead of its becoming the setting for "star wars" that would be fatal for civilization on earth.

14. Every possible effort should be made also to reduce conventional weapons. Since the end of the Second World War, local wars and conflicts, which were a manifestation of the unlawful use of force to achieve world domination and aggression, had claimed countless victims. The advocates of force violated international law and disregarded the sovereignty of States. The result was the existing state of tension in the world, a particular cause of concern for young developing States, which were unable to withstand the policy of force of the imperialists. In the contemporary interdependent world, local conflicts could easily become world conflicts; the principle of non-use of force was therefore of concern to all States.

15. His delegation was pleased that the Final Act of the Conference on Confidence- and Security-Building Measures and Disarmament in Europe, held in Stockholm, contained binding provisions that required States to respect the principle of non-use of force in international relations. But, given the universality of the principle, its implementation could not be limited to Europe. On that subject, he wished to mention the proposals put forward by Mr. Gorbachev in Vladivostok, which were intended to enhance the principle of non-use of force in the region of Asia and the Pacific.

16. The Movement of Non-Aligned Countries, with the support of all peace-loving countries, had also come out in favour of the elimination of force in international relations. The Conference of Heads of State or Government of Non-Aligned Countries, held in Harare, had emphasized the importance of the elimination of force in international relations, and Mr. Gorbachev, in his message to Prime Minister Mugabe, had pointed out that in advocating the non-use of force in international relations, the non-aligned countries had made an important contribution to the introduction of a new way of thinking.

17. At the 1986 session of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, the majority of members had expressed their interest in ensuring the non-use of force throughout the world. His delegation attached great importance to the work of the Special

(Mr. Ordzhonikidze, USSR)

Committee. The current world situation called for all States to respect the existing legal principles on non-use of force. A new judicial approach was also required if those principles and the relevant norms were to continue to be developed, thus creating material and spiritual conditions of life that reflected the true interests of mankind.

18. The Soviet Union considered that all conditions had been met so that the Special Committee could conclude its work. The proposals contained in the report on its last session were a good basis for the draft declaration. The Special Committee should concentrate its efforts mainly on that task. If all those who participated in the work of the Special Committee had the will to reach agreement, it would be possible to prepare the draft declaration in the very near future. The adoption of such an instrument would be an important contribution by the United Nations to the establishment of an international legal order guaranteeing world security for all States. The declaration would also strengthen the commitment concerning non-use of force and the bilateral, regional and multilateral agreements and treaties which had been concluded in the post-war period. Furthermore, the declaration would greatly enhance the effectiveness of the United Nations, would foster a better climate for the peaceful settlement of disputes and would be an important political guarantee for the maintenance of international peace and security.

19. Mr. Jesus (Cape Verde) took the Chair.

20. Mr. ROMFANI (Uruguay) said that the statement made by the delegation of the Soviet Union highlighted as a positive element the forthcoming meeting between Mr. Gorbachev and Mr. Reagan and the fact that that delegation felt that the conditions had been met so that the Special Committee might complete its task of drafting a declaration on the non-use of force in international relations.

21. Nevertheless, the mere enunciation of those principles was not enough to concretize them. The task consisted in drawing up a draft international treaty dealing with the non-use of force and the peaceful settlement of disputes or, at least, in drafting a declaration on those principles as a preparatory stage in drawing up that treaty.

22. His delegation was prepared to support any draft so that the principle of the prohibition of the use of force in international relations could be laid down in an international instrument. It was a question not only of reiterating that principle, but of extending its practical and concrete application to all possible cases and of adopting the necessary measures to ensure its fulfilment.

23. Of course, the question was not exclusively legal, but was also permeated with special and tangible political implications, motives and considerations. An inseparable aspect of the question was the obligation undertaken by all countries to settle their disputes by peaceful means so as not to endanger international justice, security or peace. In that regard, Uruguay wished arbitration to be mandatory. That meant that no country should resort to force or violence without

(Mr. Rompani, Uruguay)

first having engaged in dialogue or even having sought the assistance of an impartial intermediary in order to bring about the possible settlement of the dispute.

24. Unfortunately, as the Minister for Foreign Affairs of Uruguay had pointed out in his statement at the current session of the General Assembly, during the "International Year of Peace", peace had been sadly lacking. That could be attributed, among other causes, to the "technological tide", in other words, to the fact that technology, an instrument designed to liberate, protect and help man realize his potential materially and spiritually was also capable of replacing him and even destroying him. The great paradox of our time was the existence of highly developed technology in a politically immature world. It should be pointed out that there had been great growth in science, but little growth in awareness.

25. With regard to science, he said that nuclear power was capable of destroying the world. As the Minister for Foreign Affairs of Uruguay had also pointed out in his statement, "a nuclear war cannot be won and must not be fought". Nevertheless, that did not depend entirely upon the Sixth Committee. For example, with regard to deadly weapons, the policy of the great Powers was negotiated and decided upon without the participation of the United Nations. For that reason, when that forum discussed the settlement of disputes by means not involving the use of force, it must be kept in mind that there was no single State whose security and existence did not depend on the will of the great Powers, the nuclear Powers and, in particular, the two super-Powers. In that context, it was a question of the polarization of international politics and the existence of two focal points. Towards 1930, the two focal points had been Rome and Moscow, and, at the current time, they were Washington and Moscow. For that reason, whether it was a question of an international treaty or a general declaration on the condemnation of the use of force and the adoption of peaceful means to settle all disputes, it was impossible to consider that a United Nations decision could, with the sovereignty of an irresistible authority, be imposed on those Powers.

26. Nevertheless, there was cause for optimism. The agreement on security reached several days earlier at the Stockholm Conference was a promising and encouraging sign concerning a reduction in existing international tensions; furthermore, Brazil had proposed that the South Atlantic should be declared a zone of peace. The recent agreements concluded by the Presidents of Argentina, Brazil and Uruguay were also clear signs of a political will to resolve all difficulties through peaceful and fraternal agreement. Uruguay's support for the efforts of the Contadora Group to bring about peace in Central America was another sign of its support for that question. The same spirit was demonstrated by its participation in a group of the Latin American Integration Association.

27. Lastly, he stressed that there would be no peace without mutual trust. Terrorism, violence, war and the arms build-up constituted the greatest expression of the lack of trust. Peace was a formula based on balance, and it was the task of the United Nations to achieve it.

28. Mr. AL-QAYSI (Iraq) said that he did not wish to address the substance of the question under consideration, on which his delegation, which had always co-sponsored the relevant resolutions of the Sixth Committee, had expressed its views on numerous occasions. Although through its work the Special Committee had highlighted the fundamental importance of the principle of non-use of force, it had failed to make progress in carrying out its mandate. That was due not to the lack of legal means, but rather to the divergent views characteristic of East-West relations, which were reflected in the technical arguments, both on substance and on procedure, which shaped the debate in the Special Committee. The mandate itself of that Committee had embodied those divergent views and had condemned it to inaction. The slight change in the mandate in paragraph 2 of General Assembly resolution 40/70 had not changed the situation. The lack of action at the last session of the Special Committee was evident from paragraph 16 of its report and was clear from sections II and III, on the general exchange of views and the report of the Working Group. Paragraphs 91 to 93 demonstrated that the basic differences still remained.

29. In making those observations, he did not mean to criticize the Special Committee or blame anyone for the deadlock in its work. He stressed a number of favourable circumstances. The first was the laudable flexibility demonstrated by the delegation of the Soviet Union at the last session of the General Assembly. Nevertheless, it would be a grave political error to attempt to exploit that flexibility in order to eliminate that question. The second circumstance, in view of the fact that certain delegations had linked all progress to the success of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe was that that Conference had successfully carried out its work. The third circumstance was that the members of the Special Committee which belonged to the Movement of Non-Aligned Countries were in a better position since the Harare Conference had adopted a decision according to which the heads of State or Government pledged to work for the adoption, within the United Nations, of a universal declaration on non-use of force in international relations.

30. With those developments in mind, his delegation suggested organizing the future work of the Special Committee along the following lines: first, the Special Committee should concentrate on drafting a universal declaration on non-use of force in international relations, for which purpose it would be necessary to change its mandate and eliminate all ambiguity. Secondly, the normative or declaratory nature of the document would be a technical question which could be resolved easily in accordance with the working modalities to be adopted. It was necessary to avoid anything which might constitute a violation of the Charter or impair the balanced nature of its provisions, and special care must be taken to avoid conflicts with and contradictions or misinterpretations of the Charter and the established practice of the United Nations. Thirdly, the declaration should be elaborated by general agreement, in keeping with the procedure followed thus far by the Special Committee. Work should begin with the holding of informal consultations under the auspices of the Special Committee, as had been done in the preparations for the Vienna Conference on the Law of Treaties between States and International Organizations or between International Organizations. That would help to reduce to a minimum the cost of meetings and perhaps would lead to speedier progress in that

(Mr. Al-Qaysi, Iraq)

task. The informal consultations could be held in 1987 and would be followed up by a report to the Sixth Committee, which could then discuss the results of the work and instruct the Special Committee to complete its work at the 1988 session so that the draft declaration could be adopted at the forty-third session of the General Assembly. Naturally, his delegation would be very pleased if that were to happen at the next session of the General Assembly.

31. His delegation stressed that those views on the future work of the Special Committee were not intended in any way to terminate its work or to sabotage it. If those views did not meet with general agreement, the traditional position which Iraq had maintained for the past nine years would remain unchanged.

The meeting rose at 11.55 a.m.