

United Nations
GENERAL
ASSEMBLY

THIRTY-FOURTH SESSION

Official Records *



UN/JA COLLECTION

SIXTH COMMITTEE
20th meeting
held on
Thursday, 18 October 1979
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 20th MEETING

Chairman: Mr. GUNA-KASEM (Thailand)

later: Mr. ZEHENTNER (Federal Republic of Germany)

CONTENTS

AGENDA ITEM 116: REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF
THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS (continued)

* This record is subject to correction. Corrections should be incorporated in a copy of the record and should be sent *within one week of the date of publication* to the Chief, Official Records Editing Section, room A-3550.

Corrections will be issued shortly after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.6/34/SR.20
29 October 1979
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 10.35 a.m.

AGENDA ITEM 116: REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS (continued)(A/34/41 and Corr.1; A/34/410; A/C.6/34/L.3)

1. Mr. GYAWALI (Nepal) said that although major progress had been made in identifying the problems that lay in the way of drafting a legal instrument for enhancing the principle of non-use of force, lack of time and the complexity of the problem had prevented the Special Committee from completing its task.
2. The principle of non-use of force set forth in Article 2, paragraph 4, of the Charter was the very foundation of the United Nations. However, the unprecedented escalation in military might and the manufacture and stockpiling of lethal conventional and nuclear weapons, together with the various military confrontations that had occurred in the previous 35 years, showed that the mere enunciation of a principle in the Charter was not enough. Military blocs and defence pacts had not been foreseen by those who had framed the Charter. All those developments illustrated the insecurity felt by even the powerful countries and showed the need to create a régime of international security for weak and powerful countries alike.
3. As a small non-aligned country, Nepal had always maintained an unflinching faith in the Charter, but it also welcomed efforts to improve it if they helped to achieve its goals.
4. Universal and complete disarmament and the strengthening of the United Nations machinery for the peaceful settlement of disputes could contribute greatly to strengthening the principle of non-use of force. An effective legal instrument containing the commitment of all Members to abstain from the use of force would have the same effect, but it could not be completed hastily, and an exhaustive study would have to be made of all the factors involved.
5. Exceptions would, of course, have to be made for the case of those unfortunate peoples whom alien and foreign domination had left with no alternative but to resort to force in order to emancipate themselves.
6. His delegation was in favour of extending the mandate of the Special Committee, which should further examine the proposals already received and invite other fresh proposals so that it could draft an effective legal instrument which took into account all the views expressed.
7. Mr. DAMDINDORJ (Mongolia) said that enhancing the effectiveness of the principle of non-use of force in international relations would help to strengthen universal peace and security and to consolidate and deepen the process of international détente and would create an additional guarantee for the security of peoples. At the same time, it would constitute a legal and moral barrier to the designs of the forces of imperialism, colonialism, hegemonism and militarism. Accordingly, his delegation fully supported the proposal of the Soviet Union to draw up a world treaty on non-use of force in international relations.

(Mr. Damdindorj, Mongolia)

8. Although the principle of non-use of force was already a peremptory norm of international law enshrined in the Charter of the United Nations and other instruments, post-war history in general and recent events in South-East Asia in particular showed that it was frequently violated by certain States.

9. At the time of the signing of the Charter nuclear weapons had been virtually non-existent. Since that time nuclear weapons and other weapons of mass destruction had emerged to threaten international peace and security. In addition, local wars using conventional weapons had killed millions of people and dangerous hot-beds of tension still existed. Consequently, there was an obvious need to take measures to prevent acts of aggression and the outbreak of armed conflicts and to preclude the use of force as a tool of national policy of States.

10. His country's keen interest in seeking out means of enhancing the effectiveness of the principle stemmed from the fact that certain forces which laid claim to parts of the territory of neighbouring States, sometimes to the whole of the country, did not hesitate to use force to achieve those evil objectives. Recent events in South-East Asia, when a permanent member of the Security Council had assumed the right to "teach lessons" to other peoples and countries by the use of armed force, bore witness to that fact.

11. The idea of concluding a world treaty on non-use of force had received broad support from States of all the geographical regions of the world, from the non-aligned countries of Asia, Africa and Latin America, as had recently been confirmed at the Sixth Conference of Heads of State or Government of the Non-Aligned Countries held in Havana, from the socialist countries of Eastern Europe and from some countries of Western Europe.

12. Since the adoption of clear legal norms was the best barrier to infringements of the law, the overwhelming majority of States Members held the view that the best and most practical way of enhancing the effectiveness of the principle of non-use of force was to conclude a treaty defining clearly and in concrete terms the obligation of States not to use force in their international relations. In so doing, they would be following the traditional practice of embodying the general principles of the Charter in multilateral conventions progressively codifying contemporary international law.

13. His delegation did not agree with the argument that a treaty on non-use of force would merely restate Charter obligations or, if it departed from the Charter, would be tantamount to amending it; after all, the general principle of respect for human rights, for example, had been developed in a number of international conventions and covenants. Furthermore, there was a broad understanding, which was reflected in the Soviet draft, that the concretization and development of Article 2, paragraph 4, would be in strict conformity with the spirit and the letter of the Charter.

/...

(Mr. Damdindorj, Mongolia)

14. Détente - the dominant trend in current international relations - contained political prerequisite favourable to the conclusion of a world treaty on non-use of force. The legal prerequisites were to be found in various United Nations instruments, in particular General Assembly resolutions 2625 (XXV) and 2734 (XXV).

15. The report of the Special Committee (A/34/41) was evidence of the fruitful work done by that body at its second session, at which it had been demonstrated once again that an overwhelming majority of its members were in favour of drafting a treaty. Nevertheless, there had been an attempt to divert the attention of the Committee to secondary procedural questions and a useless debate on the interpretation of its mandate. Instead of contributing to the Committee's work, the working paper hastily introduced by a group of Western European countries had been a source of confusion.

16. His delegation was in favour of renewing the Special Committee's mandate and hoped that it would without further loss of time dedicate its whole attention to fulfilling it. His delegation had therefore joined in sponsoring draft resolution A/C.6/34/L.3.

17. Mr. LADREIT DE LACHARRIERE (France) said that the fundamental mission of the United Nations to maintain international peace and security imposed a duty on States to refrain from the threat or use of force in accordance with Article 2, paragraph 4, of the Charter. However, that mission was not one which the United Nations had accomplished very successfully, and that duty was not one of those which its States Members had most faithfully performed. For that reason, his delegation had welcomed the initiative of the Soviet Union three years earlier and had actively participated in the two sessions of the Special Committee. It had also carefully studied the report of the Special Committee, in the introduction of which to the Sixth Committee there seemed to have been a preference for the views of a part of the Special Committee.

18. France's position had already been stated repeatedly notably in document A/32/187. The mandate of the Special Committee, defined in paragraph 2 of General Assembly resolution 33/96, referred to enhancing the effectiveness of the principle of non-use of force, and all the evidence accumulated, far from suggesting a treaty as the most suitable means to achieve that result, tended to show that the contrary was the case.

19. A treaty would be the right instrument if the aim was to have States undertake clear and specific obligations with regard to the legal norm governing the subject or to the use of mechanisms for its implementation; in that case, the situation was different. Those obligations had already been undertaken by States in accepting the most vigorous and eminent instrument in existence - the Charter of the United Nations - and had associated with them machinery which needed only to be fully used. If the real situation was unsatisfactory, the defects should be sought elsewhere, not at the legal and institutional level. The position was not comparable to that of

(Mr. Ladreit de Lacharrière, France)

conventions dealing with human rights or disarmament, which were designed to give effect to certain provisions of the Charter the implementation of which required the adoption of treaty instruments. With regard to enhancing the effectiveness of the principle of non-use of force, therefore, a treaty would be, at best, useless. Moreover, it would be dangerous, as several delegations, among them the delegation of the United States of America, had pointed out when discussing the situation which would arise if the Charter and the treaty were to be in force simultaneously, whether the content of the treaty was identical with the Charter or differed from it.

20. The danger would be greater in the much more likely event of the new treaty not entering into force or entering into force with reservations affecting its scope for a limited number of States which did not include some countries whose legal positions were very influential. In such event, it would be necessary to assess the scope of certain countries' rejection of the treaty, which might be motivated by their deeming it futile or harmful to reaffirm obligations which had already been undertaken or not wishing to assume new obligations if the treaty, in addition to reproducing the norms of the Charter, added new ones. Of course, at the legal level the Charter would still have the same force, but the effectiveness of the principle of non-use of force would not have been enhanced.

21. There was still time to stop that process, which was damaging to the Charter and to the very purpose of the Special Committee's work. The desired enhancement of the effectiveness of the principle of non-use of force should not be pursued by improving or developing its expression in laws, and for that reason France had been one of the sponsors of the working paper (A/AC.193/WG/R.1). Since a "world treaty" would merely weaken the Charter of the United Nations without respecting the balances for which it made provision, the way for the Special Committee, if the General Assembly decided to renew its mandate, to avoid futility was to strive for agreement on its method of work and on a list of items to be discussed.

22. With regard to the formulation in positive terms of the principle of non-use of force, i.e. the principle of the settlement of disputes by peaceful means alone, some progress was on the horizon. The United Nations Conference on the Law of the Sea was creating new laws which would inevitably give rise to many international disputes, particularly with regard to the delimitation of zones of national jurisdiction. For that reason, the Conference had also been engaged in organizing machinery for the settlement of disputes which could be adapted to varying circumstances. The Conference had thereby chosen a realistic and practical approach, by virtue of which all had made concessions with regard to their positions of principle.

23. It was a practical approach of that kind that France had tried to propose to other delegations in the working paper he had already mentioned. That was the only method compatible with the mandate of the Special Committee, which was to enhance not the principle of non-use of force itself, but its effectiveness.

/...

24. Mr. ELARABY (Egypt) said that the work of the Special Committee was of vital importance to all States, because the international security system which had been ushered in by the Charter of the United Nations 34 years earlier had failed to materialize and the expectations of many States which had been subjected to the use of force had not been fulfilled. Furthermore, in spite of the fact that the sovereign rights of the peoples of Africa, the Middle East and Asia had repeatedly been infringed, the Security Council had not been able to exercise the powers conferred upon it by Chapter VII of the Charter.

25. His delegation, while realizing that the strict and full application of the Charter, as originally envisaged, might not materialize in the near future, believed that two objectives should be established. First, Member States should spare no effort in striving to adapt the Charter provisions on the collective security system to the realities of international relations and, secondly, the necessity to refrain from the threat or use of force in international relations should be reaffirmed.

26. In that connexion, he pointed out that the mandate which the General Assembly had given to the Special Committee clearly encompassed the drafting of a world treaty, as well as the drawing up of recommendations on the peaceful settlement of disputes or any other recommendations; his delegation had supported the initiative of the Soviet Union and had stated that the draft treaty submitted by it could serve as a basis for the Committee's work. That support had been based on his delegation's conviction that the conclusion of a world treaty in no way derogated from the general prohibition of the use of force, as contained in the Charter, which would continue to be legally binding whether a new treaty was concluded or not. Furthermore, as a constitutional instrument, the Charter simply enunciated the principle and did not define it in detail in order not to hinder its progressive development or codification, a task required of the General Assembly in accordance with Article 13.

27. Under that Article a process of codification had taken place which had enriched inter-State relations. With regard to the maintenance of international peace and security, however, results had been disappointing, the many resolutions on the subject, which had enlarged the scope of the original Charter concepts, had never been transformed into legally binding instruments and had accordingly never had the necessary political impact. It was inconceivable that the General Assembly should not embark on codifying unanimously adopted political pronouncements on highly important topics, and unless it did so, the value of its resolutions would diminish further. The adoption of a resolution on questions pertaining to peace and security was a demonstration of an intent to respect its content; therefore, when General Assembly resolution 2625 (XXV) had been adopted, all States had declared that they committed themselves to respect its provisions and, in fact, many of the concepts contained in that resolution had become customary norms of international law and were considered by the overwhelming majority of States to be the correct interpretation of binding Charter provisions. Although the existence of grave

(Mr. Elaraby, Egypt)

violations of that resolution in Africa and the Middle East could not undermine the binding power of its norms, the fact that such highly important legal concepts were still not part of a treaty allowed certain States to advance anachronistic arguments.

28. For those reasons, his delegation and that of Mexico had proposed in the Special Committee that the elements contained in General Assembly resolution 2625 (XXV) should be considered as the basis for the world treaty, without prejudice to the fact that the treaty would also include elements from other General Assembly declarations or resolutions.

29. With respect to the argument that the new treaty would create dual legal régimes, he recalled the provision of Article 103 of the Charter on the conflict of obligations and pointed out that the world treaty could not in any way be considered as a source of conflicts of that kind.

30. Lastly, he stressed the importance of the Special Committee giving in-depth consideration to the question of peaceful settlement of disputes, and announced that his delegation would support the renewal of that Committee's mandate and the draft resolution submitted on the item.

31. Mr. Zehentner (Federal Republic of Germany) took the Chair.

32. Mr. HUANG (China) recalled that, in accordance with Article 2, paragraph 4, of the Charter, the use of force for aggressive purposes was absolutely prohibited in international relations. His Government had consistently pursued a peaceful foreign policy and maintained in its international relations the principles of mutual respect for sovereignty and territorial integrity, non-aggression and non-interference in the internal affairs of other States, equality and mutual benefit, peaceful coexistence, and peaceful settlement of disputes.

33. It was clear that the current international situation was characterized by turbulence and that the principle of non-use of force had frequently been violated. The contention between the two super-Powers for world hegemony was intensifying and ominous factors for war were multiplying. Social imperialism, using the banner of détente as a cover, was resorting to aggression, expansion and tension in order to implement its strategy of world domination. Relying on its growing military strength, social imperialism was using proxies, mercenaries, infiltration and subversion to engineer armed invasions and military coups in an unbridled manner, thereby endangering the sovereignty and independence of States and threatening world peace and security. The heightening of tension in South-East Asia had intensified the anxiety of the peoples of the world. One country, supported by a super-Power, had dispatched an army of 200,000 men to invade and occupy a neighbouring independent country. In defiance of the condemnation of world public opinion and the demands of the United Nations, that country had not only failed to withdraw its troops, but had continued to send reinforcements to put down the resistance of

(Mr. Huang, China)

the people concerned. It was clear that that country had the backing of the super-Power which was trying, through it, to control the whole of South-East Asia. Those aggressive acts showed open contempt for the Charter of the United Nations and for the principle of the non-use of force, and his delegation therefore held that the discussion of the enhancement of the effectiveness of that principle should be, first and foremost, linked to current reality.

34. Quite a few representatives had put forward proposals, one of which was the draft world treaty on the non-use of force in international relations submitted by the Soviet Union. In that connexion, he pointed out that article I, paragraph 1, of the draft, by singling out the non-use of force, omitted other important principles contained in Article 2, paragraph 4, of the Charter, such as respect for State sovereignty and independence, and non-interference in internal affairs. Moreover, the draft treaty reduced the threat or use of force to "the use of armed force" involving any types of weapons and remained totally silent on the fact that the super-Powers engaged in subversion, intervention, infiltration and proxy wars. According to the provisions of the draft treaty, it was unlawful to use force in violation of the obligations set forth therein and, according to the explanations offered by the sponsor of the draft treaty, it would be left open to States parties to resort to force under conditions not prohibited by the treaty. There could be no attempt to enhance the effectiveness of the principle of non-use of force by approving a treaty of that kind, which relegated the Charter of the United Nations to an insignificant place. Neither was article III of the draft treaty acceptable, because as everyone knew, the super-Powers had concluded with some other countries treaties of so-called friendship and co-operation which, in reality, were aggressive military pacts and enslaving unequal treaties. Article III of the draft had the effect of giving an appearance of legality to acts perpetrated pursuant to such pacts or treaties.

35. That being so, there was good reason to question whether the draft treaty was not an attempt to deceive world opinion; in any event, it obviously could not be used as a basis for the drafting of a convention.

36. In the opinion of his delegation, the task of the Special Committee should be to study all the proposals and suggestions submitted, taking into account the views of all sides. The final form of the document that would be approved was less important than the need to tackle current problems and provide for practicable and effective measures. For that purpose, his delegation maintained that the principles of mutual respect for sovereignty and territorial integrity, non-aggression and non-interference in the internal affairs of other States, equality and mutual benefit, and peaceful co-existence were the basic norms of contemporary international relations and were in full accord with the principles and purposes of the Charter. The principle of the non-use of force was closely linked to those fundamental principles and was an integral part of the whole. Whatever document was approved should include all forms of force, whether overt or covert, direct or indirect, as well as intervention, subversion, control of other States, sending of mercenaries, and proxy wars, and should list all such unlawful acts.

(Mr. Huang, China)

37. In addition, a strict distinction had to be made between the unlawful use of force in international relations on the one hand and the right to self-defence and the situation of national liberation movements on the other. The document should contain an explicit provision to that effect in order to contribute to the struggle for national independence and the defence of world peace.

38. Lastly, on the subject of the reference in the report of the Special Committee to the slanderous attacks made by some representatives on his country, he pointed out that it had launched a counter-attack in self-defence and that once it had achieved its limited goal, its troops had been withdrawn to its own territory. It had acted in strict observance of the spirit of the Charter of the United Nations.

39. Mr. OKWONGA (Uganda) welcomed the Soviet initiative and said that the conclusion of a world treaty on the non-use of force in international relations could contribute positively to the efforts of the international community in its search for peace.

40. The primary causes of tension in the world were, inter alia, colonialism, alien occupation, economic injustice, apartheid, racism and racial discrimination, and unless something was done to eliminate them the world might be faced with yet another war, more destructive than any previous war.

41. He noted with concern the lack of progress in the Special Committee, which wasted time debating whether or not it had a mandate to draw up a treaty. There could be no doubt that it had such a mandate by virtue of operative paragraph 2 of General Assembly resolution 33/96. The first thing it had to do was to draft a world treaty on the non-use of force in international relations and the peaceful settlement of disputes; only if it was unsuccessful in that should it resort to the formulation of other recommendations. In order to get out of the impasse, it was necessary, in his delegation's opinion, to reconcile some basic positions.

42. Mr. ANOMA (Ivory Coast) said that the item before the Committee referred to the drafting of a legal instrument, universal in scope, which would express the will of States to observe strictly the principle of the non-use of force or threat of force in international relations. In operative paragraph 2 of resolution 33/96, the General Assembly had decided that the Special Committee should continue its work with the goal of drafting a world treaty on the non-use of force in international relations, as well as on the peaceful settlement of disputes. Some delegations believed that a treaty of that nature would be useless and would merely duplicate the relevant principles of the Charter. Others, including his delegation, held the opposite view.

43. The principles set forth in Article 2, paragraph 4, of the Charter had not prevented the wars that had taken place in 1978, not to mention earlier wars. Moreover, laws were being drafted and enacted within the framework of State constitutions which covered a very wide range of State activities. The proposed

(Mr. Anoma, Ivory Coast)

treaty did not contain any provision that was contrary to the obligations imposed by the Charter and, in that connexion, he drew attention to paragraph 113 of the report of the Special Committee. It also had to be remembered that the USSR delegation had repeatedly stated that the draft it had submitted was merely a basic working text, which could be improved by the addition of other proposals.

44. With regard to the effective implementation of the world treaty on the non-use of force in international relations, he pointed out that the provisions of article I, paragraph 1, of the draft strengthened Article 2, paragraph 2, of the Charter and that under article V of the draft, the contracting parties would consider the measures that should be taken in accordance with their constitutional procedure for ensuring compliance with their obligations under the treaty.

45. Under the first paragraph of article II of the draft, the parties undertook to settle their disputes by peaceful means; among those means were listed, not in an exhaustive way, negotiation, mediation, conciliation, arbitration and judicial settlement. Thus, the draft treaty provided for the process of dialogue, which remained the cornerstone of the foreign policy of the Republic of the Ivory Coast: that meant a dialogue in which each of the parties put aside his prejudices and preconceived ideas in an endeavour to understand others and to weigh his arguments with a view to arriving at a solution satisfactory to all.

46. Article I, paragraph 3, however, called for reflection since it seemed to refer to a political process that had already been completed, by virtue of which there was no violation of human rights, no subjugated country bereft of justice and freedom nor any territory occupied by another State and under which nations such as Zimbabwe, Palestine and Namibia were recognized by the international community as free, sovereign and equal. So long as that process had not been effectively concluded, his delegation feared that those peoples whose legitimate rights were still being crushed would be unable to adduce any considerations to justify resort to the threat or use of force.

47. Lastly, he trusted that it would one day be possible to evaluate the historic importance of the treaty with the affirmation that it meant for peace what General Assembly resolution 1514 (XV) meant for decolonization.

48. Mr. Guna-Kasem (Thailand) took the Chair.

49. Mr. KOROMA (Sierra Leone) said that the entire international community should lend assistance to the Special Committee in the preparation of a draft world treaty on the non-use of force with a view to securing lasting peace and security, to curbing the arms race and to creating favourable conditions for achieving practical results in the field of disarmament. The conclusion of such a treaty would promote the rule of law in international relations and would be tantamount to an acknowledgement that international law was a concomitant of inter-State relations.

(Mr. Koroma, Sierra Leone)

Although his delegation did not dismiss the views of those who believed that codification of the principle of the non-use of force could undermine the Charter, it considered that the risk was worth taking in a co-operative effort.

50. Since the establishment of the United Nations and despite the proscription of the use of force in international relations, there had been numerous local wars and States had all too readily resorted to force without even attempting to ascertain whether the dispute they had decided to settle by force could be brought before the competent United Nations bodies and, in particular, the Security Council. In southern Africa, the apartheid régime had set itself up as a predator on neighbouring African States and in the Middle East force was being used against the people of southern Lebanon, while the desperate plight of the Palestinian people persisted. Moreover, even when recourse had been had to the Security Council, its response had been halfhearted and it had been found wanting in its determination to impose sanctions against the culprits. In cases where the Council had spoken with one voice, its decisions had been challenged and, often, ignored. All that had brought about a crisis of confidence in the authority of the Organization as an instrument for the maintenance of international peace and security, which made it more necessary to draw up a treaty under which States would refrain from the use of force.

51. The need for such a treaty was also made evident by the doubts which hung over the precept of the non-use of force itself. The universality of the rule had been placed in doubt in a series of agreements, particularly those relating to partial disarmament such as the Anglo-French Disarmament Proposal of 11 June 1954. There was also an apparent erosion of the precept in General Assembly resolution 2936 (XXVII), while in the preamble to the Agreement on Prevention of Nuclear War, signed in Washington on 22 June 1973 by the United States and the USSR, the implication was that the parties were not expected to refrain from the threat and even the use of force in circumstances which would not endanger international peace and security.

52. It had also been argued that Article 2, paragraph 4, of the Charter did not encapsulate all the possible uses of force, and that confusion surrounded that provision and Articles 39 and 51 of the Charter. While Article 2, paragraph 4, referred to "use of force", Article 51 referred to "armed attack". In any event, the principle of the non-use of force had been developed in a series of instruments such as General Assembly resolutions 2625 (XXV) and 3314 (XXIX). The time had therefore come for those developments to be embodied in a treaty.

53. With regard to the draft treaty submitted by the USSR, his delegation considered that there was a long way to go before a comprehensive treaty could be worked out that would be acceptable. The treaty should incorporate the principles of the resolutions to which he had referred and, above all, provisions guaranteeing the effective enforcement of the prohibition of the use of force, and should provide for effective action to ensure the implementation of Security Council resolutions.

54. Lastly, his delegation endorsed the renewal of the Special Committee's mandate.

/...

55. Mr. ALMODOVARA Y SALAS (Cuba) said his country's position on the item under consideration was reflected in document A/34/410. He would, however, reiterate that he regarded the draft world treaty submitted by the USSR as a good basis for discussion and negotiation.

56. He noted that, despite the call of the international community for the adoption of effective measures with a view to achieving general and complete disarmament, there was ever-increasing resistance on the part of the forces of imperialism, colonialism, racism, including zionism, expansionism, and all the forces which sought to perpetuate inequitable relations and the privileges acquired by force. In that connexion, the Sixth Summit Conference of the Non-Aligned Countries had welcomed the establishment by the United Nations of a committee to negotiate a draft treaty on the non-use of force in international relations. The Conference had noted that the proposed treaty should reaffirm the right of States to defend themselves and to use force to free their occupied territories, as well as the right of peoples under foreign and colonial domination to fight for self-determination and against colonialism and apartheid. It had also been emphasized that non-recognition of situations created by the use of force was essential if the designs of the aggressors were to be thwarted.

57. In the existing circumstances, the adoption of a treaty on the non-use of force in international relations, far from interfering with the practical application of the principles of the Charter, would in his view, contribute to it. The treaty should deal not only with military force but also with political and economic pressure: the case of Cuba, which suffered from the presence of a United States military base on its territory, contrary to the will of the Cuban people, afforded an example of both types of force. That situation persisted despite the repudiation of numerous Governments and of the movement of non-aligned countries. The Final Declaration of the Sixth Summit Conference at Havana had again condemned the unjust blockade imposed by the United States on the Cuban revolution. The Conference had likewise endorsed the movement's denunciation of United States acts of hostility against Cuba, which constituted flagrant violations of the United Nations Charter and of the principles of international law, and a threat to world peace.

58. The world had recently seen an attempt at expansionism at the expense of Vietnamese territory: it was watching the underhand attacks of the racist régimes of Rhodesia and South Africa on the peoples of Mozambique, Zambia, Angola and Botswana and it condemned with righteous indignation the warlike incursions and barbaric genocidal bombings which the Zionists perpetrated, with the support of imperialism, against the population of southern Lebanon and the Palestinian communities which had taken refuge there. All that justified the need to embody in an international legal instrument the principle of the non-use of force in international relations. Such an instrument should in any event provide for the right of subjected peoples to resort to armed struggle and the right of States to defend themselves against aggression of whatever kind.

59. It was clear that the Special Committee should continue its work with a view to drafting a treaty, and his delegation was a sponsor of a draft resolution directed toward that goal.

(Mr. Almodovara y Salas, Cuba)

60. He quoted some of the appeals addressed to the international community by Dr. Fidel Castro in his statement before the General Assembly on 12 October, in which he had stressed, inter alia, existing social injustices and the economic gap separating the developed from the developing countries.

61. Mr. ASTHANIA (India) said that the principle of non-use of force, proclaimed in Article 2, paragraph 4 of the United Nations Charter, had been reaffirmed in many international instruments adopted by the United Nations, particularly in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

62. It had been stated, both in the Special Committee and the Sixth Committee, that the drafting of a treaty on the non-use of force would be futile and meaningless, since the principle was set forth in the Charter. In his view that argument was invalid, because since 1945 it had been felt necessary to reiterate and reaffirm the principle in various legal instruments, both global and regional. His delegation supported the proposal of the Soviet Union for drafting of a world treaty.

63. The treaty would both reaffirm the principle of non-use of force and ensure its universal and effective application. It would, moreover, serve to decrease the threat of war and create favourable conditions for the ongoing efforts to achieve general and complete disarmament.

64. The type of force prohibited by international law should not be limited to military force, but should include all forms of force, coercion or pressure, either political or economic, whose consequences could be just as serious as the blatant use of armed force. The treaty should expressly prohibit the use of all kinds of weapons, including nuclear and thermonuclear weapons. It should also unambiguously state that no territorial acquisition resulting from the threat or use of force would be recognized as legal, and should recognize as lawful the use of force by peoples struggling against colonialism, foreign domination and occupation, racial discrimination and apartheid. It should, finally, include provisions, in line with Article 33 of the Charter, for the settlement of disputes by peaceful means.

65. With regard to the working paper submitted by five Western European States, he acknowledged the need for examination of the various reasons for the use of force by States and felt that the document required further study. The proposal of the representatives of Egypt and Mexico should also be given further consideration.

66. He wished to support the renewal of the Special Committee's mandate and expressed the hope that at its next session, it would make significant progress towards the achievement of its goal.

67. Mr. FERRARI-BRAVO (Italy) recalled that his delegation had taken active part in the Special Committee's session, and was a sponsor of document A/AC.193/WG/R.1 (A/34/41, para. 129). As his delegation had stated before the Special Committee, that document was an attempt to break deadlock and to provide the Committee with a programme of work under which, leaving aside for the moment the matter of principle of whether a treaty should be drafted or not, it would gain a clearer picture of the situations that should be corrected. The document suggested that the Committee might discuss the reasons that led many States in all parts of the world, irrespective of their political régimes, to the recourse of force. It was not aimed at delaying the Committee's work, but at allowing it to judge the various proposals, normative or otherwise, with due regard for specific situations.

68. In any case, the document submitted by the five Western European States was important because of the spirit in which it had been conceived and the method it proposed, which involved a problem-by-problem, simultaneous analysis of the two areas covered by the Committee's mandate: the non-use of force and the peaceful settlement of disputes. As to the serious disagreements regarding the usefulness of a treaty and the objections raised with regard to the Soviet Union's draft, it would seem preferable to attempt first to decide what the instrument should contain, and then what would be its most appropriate form. In that regard, the proposal of the representatives of Egypt and Mexico (A/34/41, para. 150), concerning the Declaration contained in General Assembly resolution 2625 (XXV), was relevant. In order fully to respect the Special Committee's mandate, however, the part of the Declaration referring to the principle of peaceful settlement of disputes should also be included.

69. His delegation did not contend that the document presented by the five Western European States should be the only basis for the Committee's work. On the contrary, all the proposals, and in particular the Soviet draft, should serve that purpose. In order to avoid the deadlock that had occurred at the previous session, it was essential to reach an agreement on methods.

70. Unfortunately, it seemed that the supporters of the Soviet draft had not recognized that requirement, for they continued to view the idea of drafting a treaty as incontrovertible. That approach was contrary to the Special Committee's mandate.

71. He did not mean to reject the possibility that a world treaty might be the best means of expressing more clearly the principle of non-use of force, but other solutions should not be excluded. So far, however, the supporters of the treaty had only repeated the same basic arguments incessantly, without replying to comments made by countries with had different views.

72. It was not clear under the present circumstances how the Special Committee could successfully accomplish its task; it would perhaps be useful to defer further work to allow new ideas to be formulated, since numerous questions arose in connexion with the purposes of the Special Committee's mandate, which was being considered in other bodies. In any case, if the Special Committee's mandate should be renewed, his delegation would continue to participate in its work with a constructive attitude.

(Mr. Ferrari-Fravo, Italy)

73. It was, however, unfortunate that draft resolution A/C.6/34/L.3 stressed a priori the idea of drafting a world treaty. The draft was not in line with the resolution adopted at the previous session (resolution 33/96), because it included a final preambular paragraph expressing the hope that the drafting of a world treaty would be completed as soon as possible. That statement went against the spirit of co-operation which should reign in order to achieve positive results.

74. His delegation's position on the substance of the question was already set forth in many documents, in particular in its response to the invitation addressed to Member States in General Assembly resolution 31/9.

The meeting rose at 1.10 p.m.