

United Nations
**GENERAL
ASSEMBLY**

FORTY-SECOND SESSION

*Official Records**



SIXTH COMMITTEE
19th meeting
held on
Monday, 12 October 1987
at 3 p.m.
New York

SUMMARY RECORD OF THE 19th MEETING

Chairman: Mr. AZZAROUK (Libyan Arab Jamahiriya)

CONTENTS

AGENDA ITEM 131: 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 sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, room DC2/50, 2 United Nations Plaza, and incorporated in a copy of the record.

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

87-56053 0675S (E)

Distr. GENERAL
A/C.6/42/SR.19
26 October 1987
ENGLISH
ORIGINALS: FRENCH

16p.

/...

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

AGENDA ITEM 131: REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS (continued) (A/42/41)

1. Mr. AMIR-AL-HAJRI (Oman) welcomed the political will shown by delegations, which had enabled the Special Committee to produce a draft Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. The draft Declaration represented a means of strengthening the United Nations in its peace-keeping function. Points of tension in various parts of the world, such as the war between Iran and Iraq, the attacks against the freedom of shipping in the Gulf and the Middle East conflict, demonstrated that the international community was more than ever in need of such an instrument. His delegation took the view that the halting of the arms race would contribute to confidence-building in international relations. It commended the efforts made by the Secretary-General in that respect.
2. With regard to the contents of the draft Declaration, he noted that section III made it incumbent upon States to co-operate fully with the United Nations. Such co-operation would contribute towards strengthening the role of the United Nations in the settlement of disputes before they could degenerate. The Omani Minister for Foreign Affairs had referred to the pioneering work of the United Nations, describing the Organization as an irreplaceable tool. His delegation did not think that the draft Declaration was in any way intended to replace the provisions of the Charter.
3. Mr. YIMER (Ethiopia) expressed his delegation's deep satisfaction that the Special Committee, after 10 years of deadlock, had produced by consensus a draft Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. With regard to the various working papers submitted to the Special Committee, his delegation found merit in the criticism made during the discussion to the effect that the working paper submitted by countries from western Europe (A/C.193/L.34) suffered from a tilt, in that it gave some issues an excessively detailed treatment and dealt with others in a superficial and distorted manner, and also that it failed to make any mention of disarmament. While it was true that disarmament was not necessarily linked to the subject matter handled by the Special Committee, in that the prohibition on the use of force as set forth in the Charter was binding on all States irrespective of the armament situation in the world and of the pace of the arms race and applied regardless of the types of weapons used, it was hardly disputable that disarmament would contribute to the enhancement of the effectiveness of the principle of non-use of force in international relations.
4. As for the other draft declaration considered by the Special Committee (A/C.193/L.35), his delegation had considered it to be more comprehensive and could not agree to some of the criticisms levelled at it. For example, the argument set forth in paragraph 28 of the report against the inclusion of the use of economic coercion in the prohibition of use or threat of force was somewhat unconvincing.

(Mr. Yimer, Ethiopia)

His delegation associated itself with the proposals made to the effect that the declaration should highlight the need for the effective implementation of the provisions of Chapter VII of the Charter, that emphasis should be placed on the obligations of States under Article 25 of the Charter, and that States should be encouraged to resort more often to the International Court of Justice.

5. Where the draft Declaration now before the Committee was concerned, the first and second preambular paragraphs formed the basis of the Declaration as a whole. Equally important were the fifth and sixth preambular paragraphs expressing concern at the continued existence of situations of conflict and tension and the need to remove the risk of new armed conflicts, the eleventh preambular paragraph referring to the settlement of international disputes by peaceful means, the twelfth preambular paragraph referring to the importance of strengthening the United Nations system of collective security, the sixteenth preambular paragraph reaffirming the inalienable right of every State to choose its political, economic, and social and cultural systems without interference in any form by another State, the seventeenth preambular paragraph reaffirming the principle of non-intervention, and the eighteenth preambular paragraph reaffirming the duty of States to refrain from military, political, economic or any other form of coercion against any State. As for the operative part of the draft Declaration, his delegation considered paragraphs 1, 2, 3, 6, 7, 8, 10, 13, 16, 18, 19, 20, and 21 of section I to be of particular importance. It did not, on the other hand, see the need for paragraph 11 to the effect that a treaty was void if its conclusion had been procured by the threat or use of force, since the principle involved was a fundamental one in the law of treaties and was enshrined in the Vienna Convention.

6. Section III of the draft Declaration was an indispensable part of the document. Inasmuch as it dealt with the system of collective security established by the Charter of the United Nations and with the obligations for States resulting therefrom, the declaration would be incomplete without provisions concerning the duty of the competent United Nations organs and of States to enhance the effectiveness of the collective security system. In that connection, mention should be made of paragraph 25 which invited the competent United Nations organs to make full use of the provisions of the Charter in the field of maintenance of international peace and security, as well as of paragraph 26, which spoke of the need for States to co-operate fully with the organs of the United Nations in supporting their action relating to the maintenance of international peace and security and paragraph 31 which invited States to encourage the Secretary-General to exercise fully his functions with regard to the maintenance of international peace and security. It was, however, unnecessary to repeat Article 103 of the Charter in the last paragraph of the draft Declaration.

7. His delegation did not think that the elaboration of an international instrument aimed at enhancing the effectiveness of the principle of non-use of force in international relations would weaken that principle, already enshrined in the Charter. Quite on the contrary, it shared the view of the Chairman of the Special Committee that the Declaration's adoption would contribute to the improvement of the international climate.

8. Mr. THANG (Viet Nam) said that his delegation was satisfied with the progress achieved by the Special Committee and with the contents of the draft Declaration, which reflected the purposes and objectives of the United Nations in proclaiming the duty of States to refrain from the threat or use of force in international relations and to respect one another's independence, sovereignty and territorial integrity. The draft contained the fundamental principles of international law enshrined in the Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security, and the Bandung Declaration of 1955.

9. The draft contained important and progressive provisions concerning the rights and duties of States in accordance with international law, including the principle, fundamental to the maintenance of peace and security, that all States had the duty to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. The threat or use of force constituted a violation of international law and of the Charter of the United Nations and entailed international State responsibility. Mention should also be made of the principle that States had the duty not to urge, encourage or assist other States to resort to the threat or use of force in violation of the Charter, since all peoples had the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development and every State had the duty to respect that right in accordance with the Charter. The draft Declaration also defined the responsibilities of States under international law.

10. His delegation considered it most important that States should undertake not to be the first to use nuclear weapons, and warmly welcomed the declaration made on 28 July 1986 by the General Secretary of the Communist Party of the Soviet Union, Mr. Gorbachev, on the establishment of a system of peace and security in Asia and the Pacific, the initiative for the signing of a treaty on the non-use of force or threat of force among States of Asia and the Pacific, and the proposal for the setting up of nuclear-free zones in Africa, the Mediterranean, Scandinavia, the South Pacific, South-East Asia and the Korean Peninsula.

11. In addition to efforts towards the adoption of a universal instrument on the non-use of force in international relations, Viet Nam also supported every initiative aimed at reducing tension and bringing about constructive dialogue everywhere in the world. His delegation wished to reiterate the proposals made on behalf of the Indo-Chinese countries by the head of the Lao delegation at the thirty-seventh session of the General Assembly concerning the establishment of a zone of peace, stability and co-operation in South-East Asia. Lastly, his delegation hoped that the draft declaration would be adopted as soon as possible, since it would undoubtedly contribute greatly to the cause of peace and co-operation among nations.

12. Mr. DA COSTA (Angola) said that non-use of force was one of the most important issues in international relations, and one which must be solved in order to safeguard international peace and security and prevent nuclear war. The realities of the nuclear and space age dictated that force should not serve as the basis for policy and demonstrated that reliance on force could ensure neither global security nor security for individual States. There was a need for new political thinking which would rule out reliance on the use of force in international relations and for unconditional renunciation of both nuclear and conventional war and of the use of force as a means of settling political, economic or ideological conflicts between States.

13. His delegation had always regarded the settlement of disputes by peaceful means and the strengthening of the principle of non-use of force in international relations as being among the fundamental tasks of the United Nations. The universal principle of non-use of force, as laid down in the United Nations Charter, required that it should be respected not only in Europe but also in other regions of the world. The Heads of State or Government of Non-Aligned Countries had reaffirmed at their Harare Summit Conference held in September 1986 that the elimination of the use of force in international relations remained one of the Non-Aligned Movement's fundamental goals.

14. The worsening situation in southern Africa, at the root of which was the evil system of apartheid in South Africa, continued to be a matter of grave concern to Angola. South African aggression against neighbouring independent countries had increased and its efforts to destabilize the Front-line States, Angola, Botswana, Mozambique, Zambia and Zimbabwe, by sponsoring bandits and mercenary groups such as the MNR in Mozambique and UNITA in Angola, had continued. Peace and security would not come to the region until the racist régime had withdrawn its troops of occupation from Angola and Namibia and ended its policy of aggression against the front-line States, and until the evil system of apartheid had been eliminated.

15. In the Middle East, the Palestinian problem remained unresolved, seriously affecting Lebanon and its people. His delegation supported the idea of an International Peace Conference on the Middle East under the auspices of the United Nations. Peace and stability in Asia and Central America, as well, could only be assured if the countries concerned were allowed to settle their own problems without external interference. Those were all examples which justified strengthening the principle of non-use of force in international relations.

16. Angola welcomed the agreement in principle between the two super-Powers to abolish medium- and short-range missiles as a step towards concluding an intermediate range nuclear missiles treaty.

17. The United Nations remained the most important multilateral institution for resolving international conflicts, and he expressed the hope that the Sixth Committee would adopt the draft Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations.

18. Mr. GARDEAU (Canada) said that the draft Declaration adopted by the Special Committee had a series of precedents that included the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV) of 24 October 1970), the 1974 Definition of Aggression and the Manila Declaration on the Peaceful Settlement of International Disputes of 1982. It had therefore seemed to his delegation appropriate to inquire which provisions of the draft declaration differed from those of the preceding instruments and what their importance was with regard to the existing law.

19. For example, the first new element he had found in the draft Declaration was in paragraph 2, which provided that "the principle of refraining from the threat or use of force in international relations is universal in character". That wording was not found in full in the previous instruments. It was nevertheless well established that the universality of the principle of non-use of force was a binding rule of general international law. Consequently, the "value added" of the provision was small. Paragraph 3, which said "No consideration of whatever nature may be invoked to warrant resorting to the threat or use of force in violation of the United Nations Charter", expressed an idea that did not appear in the instruments he had mentioned. As the representative of Mexico had pointed out, it was desirable for that idea to be set out in a document of universal scope; it was a reference point that could be very useful for the future. Paragraph 10 departed somewhat from the corresponding provision of the Declaration on Friendly Relations; its value added seemed, rather, negative, but his delegation had no intention of seeking to clarify the constructive ambiguity which had enabled the Special Committee to reach an agreement on that text.

20. Paragraphs 18 to 20, which concerned disarmament and the relaxation of international tensions, perhaps dealt too much in generalities, but his delegation could accept them in the interest of general agreement. Paragraph 23, however, did not seem to take sufficiently into account resolution 40/61 whereby in 1985 the General Assembly had for the first time unequivocally condemned terrorism, regardless of the causes which those responsible took it upon themselves to defend. Despite the paragraph's shortcomings, however, his delegation would not insist on any amendment if the General Assembly saw fit to adopt the draft declaration as it stood.

21. Paragraph 25, which stipulated that the competent United Nations organs should make full use of the provisions of the Charter in the field of maintenance of international peace and security, seemed both new and useful; such a provision seemed particularly opportune at a time when the international community was living in hope that the unanimous adoption by the Security Council of resolution 598 would be a prelude to the implementation of provisions of the Charter which had too long remained a dead letter.

22. The draft Declaration constituted a modest advance on the existing instruments and its adoption would be a further demonstration of the concern of the international community in the face of a new upsurge of cases in which States had resorted to force with very slight legal justification. The real importance of the

(Mr. Gardeau, Canada)

declaration would be measured by its impact in practice on the conduct of States. The adoption of a new instrument would not in itself bring an end to violations of the prohibition set forth in Article 2.4 of the Charter. It was every State's responsibility to ask itself systematically whether the action it was preparing to take was in accordance with international law, particularly if it implied resort to force. In that case, it was the duty of each State to abstain from such action if it had serious doubts about its conformity with international law. Such a course would avoid many attempts at a posteriori justification. If the adoption of the draft Declaration contributed effectively to encouraging States to act in a more responsible fashion, the considerable time and effort spent on drafting it would be justified.

23. Mr. ROSENSTOCK (United States of America) said that after many years of disagreement, an agreement had been achieved at the forty-first session of the General Assembly on the mandate for the Special Committee, thus enabling it to produce a Draft Declaration very rapidly. The preamble set out the essential aim of the draft by recalling Article 2 of the Charter and reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations (General Assembly resolution 2625), which was one of the most authoritative expressions concerning the content of the obligation undertaken by States. The fact that the title of that Declaration contained the words "in accordance with the Charter" established its importance and it was clear that the draft Declaration currently before the Sixth Committee did not seek to alter pre-existing rights and obligations of Member States. The draft Declaration repeated a number of paragraphs from resolution 2625, but they should be interpreted bearing in mind the fuller and more precise explanation given in the resolution. It was as clear at the current stage as it had been at the time when resolution 2625 was adopted that in an interdependent world it was desirable and inevitable that States should seek to influence other States. Such conduct was, of course, not prohibited by the Declaration, nor by the Charter or any other existing international instrument, as long as States did not employ force in contravention of the Charter. Where the Declaration spoke of "coercion", his delegation understood that term to mean "unlawful force" within the meaning of the Charter.

24. Sections II and III of the draft Declaration were particularly significant. Section II identified a number of areas in which States could take measures to remove or start to solve problems and thus contribute to enhancing the effectiveness of the norm of non-use of force. The recognition of the relationship between paragraphs 3 and 4 of Article 2 of the Charter, the emphasis on respect for the exercise of all human rights and fundamental freedoms, and the call for the adoption of confidence-building measures were noteworthy elements relating to problems which had caused outbreaks of violence over the past 42 years. Other elements of section II were symptoms, rather than causes, of problems linked to the lack of effectiveness of Article 2, paragraph 4.

(Mr. Rosenstock, United States)

25. In section III, the recommendations, the most important part of which concerned the duty of Member States to make full use of the United Nations, co-operate with it and strive to enhance the collective security system and give the Security Council every type of assistance - were excellent ways of enhancing the effectiveness of the principle of non-use of force. The fact that they had received unanimous endorsement was also significant.
26. His delegation supported the view that the General Assembly should endorse those recommendations by adopting the text of the draft Declaration. By following those recommendations, States would help to enhance the effectiveness of the prohibition of the use of force, and the functioning of the collective security system.
27. The final provisions of the draft Declaration seemed unnecessary, for it would not be possible for the General Assembly, which could only make recommendations, to alter the obligations of States under the Charter, much less to create new obligations independent thereof. However, those paragraphs were reassuring, as they showed an intent limited to the reasonable and legally possible. The very fact of agreement on a declaration on enhancing the effectiveness of the principle of non-use of force was certainly to be applauded. His delegation hoped that adoption of the text would provide an opportunity for Member States to rededicate themselves to the achievement of the goal set forth in the Charter, namely "to save succeeding generations from the scourge of war". Resolution 598, unanimously adopted by the Security Council on 21 July 1987, was a text-book example of how the founding fathers had intended the system to work; that was also what was called for by paragraphs 25, 26 and 27 of the draft Declaration. It was to be hoped that, in accordance with the recommendations of section III of the draft, all Member States would support the new measures which could be taken to end the tragic conflict referred to in that resolution.
28. Mr. VASCONCELLOS (Uruguay) said it was remarkable that after a nine-year deadlock for political reasons, the Special Committee had managed to draft in the space of three short weeks a draft Declaration on enhancing the effectiveness of the principle of non-use of force in international relations, one of the main principles of the United Nations Charter. All the basic elements and principles of the Charter were directed towards the need to save succeeding generations from the scourge of war. While contemporary history showed clearly that that goal had not yet been achieved, there were instruments aimed at preventing the outbreak of conflicts. It was an undeniable fact that all human beings, and, in particular, the leaders of all States knew that if an atomic war broke out, the Earth would become uninhabitable and the human race would face annihilation.
29. He shared the view of the representative of Mexico, to the effect that unanimous acceptance of the Declaration meant that States upheld the legal value of the rules and means appearing therein and that the Declaration was not a mere repetition of the provisions of earlier instruments. The text of the draft Declaration expressly reiterated the principle according to which every State had the duty to refrain in its international relations from the threat or use of force

(Mr. Vasconcellos, Uruguay)

against the territorial integrity or political independence of any State - a principle enshrined in Article 2 of the Charter. The Declaration also emphasized that its purpose was to "remove the risk of new armed conflicts between States" and listed the concrete means of achieving that end: disarmament, the peaceful settlement of disputes and condemnation of terrorism. It also declared that the acquisition and occupation of territory resulting from the threat or use of force would not be recognized as legal. Those were the elements based on the norms of the Charter and international instruments already in force, and on traditional norms of international law.

30. His delegation supported the essential aim of the declaration: a change in the international climate, with confrontation giving way to relations and peaceful co-operation at world level. It hoped that the draft Declaration would be adopted without opposition.

31. Mr. RAO (India) said that in 1945 the States establishing the United Nations had sought to outlaw the aggressive use of force in international relations. However, conflicts and instability persisted in various parts of the world. The threat and use of force in various forms, economic coercion, interference and flagrant violations of the principles and purposes of the United Nations Charter, had aggravated international tensions. Many non-aligned and other developing nations were victims of policies of destabilization practised by the great Powers. Rivalries between the latter had led to an escalation in the arms race, particularly the nuclear-arms race. Since 1945 there had been 120 significant armed conflicts; 65 major conflicts during the period 1960-1982 had accounted for more than 10 million deaths. More than 25 million men and women were currently under arms and the world military budget threatened to exceed the trillion-dollar mark.

32. It was not, of course, the task of the Special Committee to banish illegal use of force from the face of the Earth; the role entrusted to it was to explore means of enhancing the effectiveness of the principle of non-use of force in international relations and, viewed from that angle, the draft Declaration was an excellent achievement. The draft emphasized the primary responsibility of States to refrain from the threat or use of force against the territorial integrity or political independence of other States. That norm was binding and its violation was not permissible under any circumstances.

33. However, observance of the principle of non-use of force alone was not enough to maintain international peace and security. States had to develop mutual understanding, trust, respect and co-operation in all areas. Those efforts included the promotion of bilateral and regional co-operation in order to prevent international conflicts; peaceful settlement of disputes; efforts to achieve general and complete disarmament; the prevention of the spread of the arms race to outer space; encouraging respect for human rights and fundamental freedoms for all; and co-operation among States in preventing and combating international terrorism. The edifice of international peace and security rested upon two columns, renunciation of force and reconstruction of international society on the basis of a just and equitable international economic order.

(Mr. Rao, India)

34. The draft Declaration also emphasized the co-operation which Member States should extend to competent organs of the United Nations so that the latter might make full use of the provisions of the Charter in the field of maintenance of international peace and security. It was for want of such co-operation that the Organization had thus far failed to live up to the world's expectations. His delegation hoped that the draft Declaration would go a long way towards strengthening the structure of international peace and security, and recommended it for adoption by the General Assembly.

35. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that the problem of the use of force in international relations had never been as acute as it currently was because, given the existence of nuclear weapons, it carried a threat of universal catastrophe. The elimination of the threat of nuclear war and the maintenance of peace were objectives of capital importance whose logical corollary was the need to develop a new political philosophy of peace in opposition to concepts which championed confrontation, the arms race and the use of force, and to map out a strategy of universal international security, peaceful coexistence and mutually advantageous co-operation in the name of social progress and the future of mankind.

36. The draft Declaration appearing in section III of the report of the Special Committee (A/42/41) convincingly confirmed that it was possible within the framework of the United Nations to work out mutually acceptable recommendations on issues as complex as that of the non-use of force in international relations. The draft Declaration, whose preparation had been made possible by the constructive approach and spirit of co-operation shown by the Special Committee's members, was a comprehensive document which developed and concretized the principle of non-use of force as enshrined in the Charter of the United Nations and many other international instruments.

37. The draft's preamble listed a set of facts to substantiate the need for the elaboration and adoption of the Declaration, one of those facts being that in the present world situation, in which nuclear weapons existed, there was no reasonable alternative to peaceful relations among States.

38. The draft attempted to define the content of the principle of non-use of force, inter alia, by stressing that it was universal in character and was binding on all States regardless of their political, economic, social or cultural system or relations of alliance. It also made the important point that the threat or use of force constituted a violation of international law and the Charter of the United Nations and entailed international responsibility.

39. The draft Declaration rightly stated that in order to enhance the effectiveness of the principle of non-use of force, States should take appropriate measures aimed at reducing international tensions and at creating a climate of confidence in their mutual relations. They should also take effective measures in order to prevent the danger of any armed conflicts, including those in which nuclear weapons could be used, to prevent an arms race in outer space and to halt and reverse it on Earth, and to lower the level of military confrontation.

(Mr. Stepanov, Ukrainian SSR)

40. Further provisions of great importance were those to the effect that States should co-operate at the bilateral, regional and international levels in order to prevent and combat international terrorism, which included the activities of mercenaries, and to contribute actively to the elimination of the causes underlying international terrorism.
41. The draft Declaration reaffirmed the principle of equal rights of peoples and of the right to self-determination by virtue of which all peoples were entitled freely to determine, without external interference, their political status and to pursue their economic, social and cultural development. Furthermore, the draft Declaration forcefully reaffirmed the principle of peaceful settlement of disputes and, in its paragraph 17, stressed the importance of settlement procedures and provided a list of specific means of settlement.
42. The draft assigned an important role in enhancing the effectiveness of the principle of non-use of force to the United Nations and, in particular, to the Security Council, upon which the Charter conferred the principal responsibility for the maintenance of international peace and security. Other United Nations organs were also called upon to play a role in that field.
43. In conclusion, he said that the adoption of the draft Declaration, which should take place by consensus, would constitute a practical and useful step towards the establishment of a truly democratic international order founded upon law and corresponding to the needs of the present-day situation.
44. Mr. NYAMDOO (Mongolia) said that the threat or use of force was the main cause of various infringements of the peace and security of peoples, and that the elimination of that cause was the most important task facing mankind. That was why the international community gave so much attention to the question of non-use of force in international relations, as was demonstrated by the various important international instruments relating thereto, and in particular 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.
45. Every effort had to be made to prevent the use of force, for contentious situations and points of tension and conflict still existed, causing loss of life and considerable material damage in the affected countries, whose development could be jeopardized as a result. Moreover, with the emergence of nuclear weapons and particularly of missiles, the situation had radically changed and the enhancement of the principle of the non-use of force should now proceed in the direction of a total prohibition of nuclear weapons. It was therefore important to emphasize, as was done in the draft Declaration, that in the present world situation, in which nuclear weapons existed, there was no reasonable alternative to peaceful relations among States. Positive examples of a responsible attitude in that respect could be found; the Soviet Union and China had given an undertaking not to be the first to use nuclear weapons, and his delegation would welcome it if other nuclear Powers were to do likewise.

(Mr. Nyamdo, Mongolia)

46. The concerted effort made in the search for mutually acceptable solutions and the spirit of compromise shown had enabled the Special Committee to prepare a balanced text. The favourable conditions created through the considerable efforts of the Soviet Union and the other socialist countries and peace-loving forces had facilitated that process. The draft took into account the interests of the various groups of countries, and reflected the essential aspects of the principle.

47. The provisions relating to disarmament and the strengthening of the system of collective security were particularly important because the arms race, especially the nuclear-arms race, was continuing and even moving into new spheres. Such being the case, once the Declaration was adopted, States should demonstrate the necessary political will and adopt positive measures to make it one of the major instruments guaranteeing international peace and security. In that connection, the significance of the recent agreement in principle between the United States and the Soviet Union with regard to the elimination of two categories of missiles was worth noting. Implementation of that agreement would be the first real step towards disarmament.

48. The draft Declaration also made the point that States should promote bilateral and regional co-operation as one of the important means to enhance the effectiveness of the principle of refraining from the threat or use of force in international relations. Mongolia, for its part, spared no effort to consolidate that principle as a basis for relations between the countries of its region. It was taking specific action to that end. For example, in 1981, the Eighteenth Congress of the Mongolian People's Revolutionary Party had proposed the preparation and conclusion of a treaty on non-aggression and non-use of force in relations between the States of Asia and the Pacific. As a follow-up to that proposal, the Nineteenth Congress of the People's Revolutionary Party had proposed the establishment, through the concerted efforts of the countries of the region, of a mechanism against the use of force in their relations. Mongolia would continue its efforts to ensure the relaxation of international tensions, the consolidation of the international legal order, and strict respect for the system of international security established by the Charter of the United Nations.

49. Section III of the draft Declaration pointed to the role of United Nations organs in enhancing the effectiveness of the principle of non-use of force. Those provisions reflected the will of States to strengthen the role of the United Nations as a centre for harmonizing the actions of nations.

50. In common with other delegations, his delegation believed that the international community could take a giant step forward by adopting a binding legal rule prohibiting the use of force in international relations; nevertheless, it fully supported the draft Declaration proposed by the Special Committee, and would welcome its adoption by consensus at the current session. That would help to reduce tensions and build confidence, in addition to underscoring the ability of the international community to take mutually acceptable decisions on vital issues with due regard for the interests of the various groups of States.

51. Mr. YOURAN (Democratic Kampuchea) noted that after arduous negotiations lasting over 10 years, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations had succeeded in submitting a draft Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, which was reproduced in section .II of its report (A/42/41). The draft Declaration developed Charter principles which had been set forth in such other instruments 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.

52. The question was what lay ahead for the draft Declaration: would it suffer the same fate as the earlier instruments, or would international relations enter a new phase, in which the principles reaffirmed in the draft Declaration would be respected by all States Members of the United Nations? His delegation, for its part, sincerely hoped that the latter would be the case, for the sake of his country, which had been the victim of Vietnamese aggression and occupation for almost nine years, and in the interest of the international community as a whole, which was deeply concerned at the continuing war of aggression in Kampuchea and at the existence of conflicts and hotbeds of tension at virtually everywhere in the world, as was indicated in the fifth preambular paragraph of the draft Declaration.

53. If Viet Nam - the aggressor in Kampuchea - and the Soviet Union - the supporter of Viet Nam in its aggression - accepted in good faith the provisions of the Declaration, they should put an end to the tragic situation in Kampuchea, in accordance with the resolutions which the General Assembly had adopted over the past eight years urging Viet Nam to withdraw all its forces from Kampuchea so as to enable the Kampuchean people to exercise freely their right of self-determination and choose their régime in free elections under United Nations supervision. They would thus be making a remarkable contribution to the cause of Kampuchean independence, to the economic and social development of Viet Nam, where the people earnestly desired a decent life, and to the welfare of all the countries of the region.

54. Anxious to make a contribution of its own to the political and peaceful settlement of the conflict in Kampuchea, his Government had submitted a peace proposal to Viet Nam in March 1986. Under the plan, his Government had proposed negotiations between the Coalition Government of Democratic Kampuchea and the Socialist Republic of Viet Nam regarding the total withdrawal of Vietnamese troops from Kampuchea by a certain deadline. Kampuchea would accept a two-stage withdrawal. After the first stage, his Government would accept the establishment of a quadripartite coalition Government with the régime installed by Viet Nam in Phnom Penh, and the holding of elections under United Nations supervision. In the end, an independent, neutral and non-aligned Kampuchea would sign a treaty of non-aggression and peaceful coexistence with Viet Nam. That proposal, which was consistent with the principle of peaceful settlement of international disputes set forth in paragraph 17 of the draft Declaration, enjoyed broad-based international support; Viet Nam had immediately rejected it, without even considering it.

(Mr. Youran, Democratic Kampuchea)

55. His delegation fully supported the draft Declaration, particularly paragraphs 10 and 11. After reading out those paragraphs, he said that his delegation interpreted paragraph 10 as applying to present and future situations, and accordingly to the war of aggression in Kampuchea and other similar situations. As far as Kampuchea was concerned, the Coalition Government believed, on the basis of the principle set forth in paragraph 10, that the Vietnamese settlers who had come to Kampuchea since the outbreak of the war were illegal immigrants and would have to leave Kampuchea altogether as the war ended and Vietnamese forces were withdrawn.

56. The Coalition Government of Democratic Kampuchea considered that paragraph 11 - according to which a treaty was void if its conclusion had been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations - applied not only to treaties, but also to other agreements or protocols concluded under the conditions envisaged in the letter and spirit of paragraph 11 of the draft Declaration.

57. Mr. MADI (Egypt) recalled that in resolution 41/76, adopted without a vote in 1986, the General Assembly had given the Special Committee a mandate to "complete a draft declaration on the enhancement of the effectiveness of the principle of non-use of force in international relations, including, as appropriate, recommendations on the peaceful settlement of disputes". That resolution had paved the way for the completion of the mandate of the Special Committee, which had been able to submit a draft Declaration in section III of its report.

58. His delegation wished to recall in that regard that the non-aligned countries, meeting at Harare in September 1986, had supported the preparation of a declaration on the principle of non-use of force. Egypt hoped that the international community would learn from the Special Committee's 10 years of effort the lesson that co-operation among States would make it possible to strengthen the role of the United Nations and enhance the Organization's ability to ensure respect for the rules governing international relations. Egypt hoped that the same spirit would prevail in the Sixth Committee.

59. As a member of the Special Committee, Egypt could bear witness to the efforts made to find a compromise solution acceptable to all States Members of the United Nations. For 10 years, Egypt had consistently stated its position on ways of enhancing the effectiveness of the principle in question. It had participated in the preparation of document A/AC.193/L.35, which was aimed not only at reiterating the rules and principles governing the conduct of States in their international relations but also at stressing the importance of scrupulous respect for those rules and principles. In that connection, Egypt could not but deplore the constant violations of Article 2, paragraph 4, of the Charter and other principles set forth therein.

(Mr. Madi, Egypt)

60. Egypt attached great importance to parts I and II of the draft Declaration, which restated the principles that States should respect in their international relations. The need to strengthen the role of the United Nations and of its principle organs was likewise emphasized, since the United Nations bore the main responsibility for the maintenance of international peace and security and was the core of the collective security system. It was the duty of States to co-operate with the Security Council in order that the latter might be enabled to take the necessary steps to prevent violations of the principle of non-use of force in international relations and ensure the application of Chapter VII of the Charter. The draft also recalled the important role which the Charter assigned to the General Assembly and the Secretary-General with regard to the peaceful settlement of disputes and the maintenance of international peace and security.

61. Egypt supported the draft Declaration contained in part III of the the Special Committee's report and congratulated that Committee on having completed its work successfully. The draft Declaration constituted an excellent compromise solution and Egypt remained convinced that its effectiveness would depend on the will of States to respect the legal norms and principles set forth therein.

62. Mr. GARVALOV (Bulgaria) paid a tribute to the Special Committee, which had successfully discharged its mandate by adopting the draft Declaration by consensus. He welcomed not only that praiseworthy achievement but also the constructive spirit that had prevailed in the Special Committee's work.

63. The draft Declaration set forth in an appropriate legal form the views of States concerning principles and obligations which, if applied and observed by Member States, would strengthen the principle of non-use of force in international relations, facilitate the maintenance of international peace and security and contribute to the establishment of a collective security system.

64. Important international events that had taken place in recent years had facilitated the Special Committee's work by demonstrating unambiguously the growing recognition by States of their common responsibility for the future of mankind. Those events included the meeting between Mr. Gorbachev and President Reagan at Reykjavik. Despite the difficulties accompanying technical talks, the essential purpose of that summit had been to consider ways of curbing recourse to the threat or use of force in international affairs. Historic progress had thus been made and the agreement in principle concluded would soon be the subject of a treaty. As the President of the Council of the People's Republic of Bulgaria had observed, that meeting would have a positive effect on relations between the two Powers, on the East-West dialogue and on the whole international atmosphere.

65. Furthermore, by calling on the United Nations to adopt a universal declaration on non-use of force in international relations, the Eighth Conference of Heads of State or Government of Non-Aligned Countries, meeting at Harare in September 1986, had helped create favourable conditions for the Special Committee's work. The Stockholm Conference on Confidence- and Security-building Measures and Disarmament in Europe had likewise adopted a declaration on that question which tended in the

(Mr. Garvalov, Bulgaria)

same direction as the Special Committee's work. Lastly, a tribute should be paid to the delegation of the Soviet Union for the very important initiative it had taken with a view to the preparation of a draft convention and to the sponsors of the three basic documents which had made it possible to adopt a generally acceptable draft. His delegation was convinced that the success of the Special Committee's work was likewise due to all delegations which had demonstrated political will to reach agreement and had understood the need to strengthen the principle of non-use of force in international relations, one of the cornerstones of the United Nations Charter.

66. The Charter was the source of that principle: it imposed on States the obligation to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations. The draft Declaration was also based on other instruments: many of its provisions originated from those of 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. His delegation considered that the basic merit of the draft Declaration was its comprehensive and exhaustive nature: its observance and implementation by Member States would make a decisive contribution to enhancing the effectiveness of the principle of non-use of force.

67. The draft Declaration was one of the priority items on the Assembly's agenda and had occupied a prominent place in the introductory statement made by the President of the General Assembly at the opening of the forty-second session. His delegation therefore had no doubt that the Sixth Committee would recommend to the General Assembly the adoption of the draft Declaration by consensus.

The meeting rose at 5.25 p.m.