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at 3 p.m.

New York

SUMMARY RECORD OF THE 27th MEETING

Chairman: Mr. CALLE Y CALLE (Peru)

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

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The meeting was called to order at 3.15 p.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/36/41, 116, 388, 415, 446, 526, 556, 584 and 586; A/C.6/36/L.3Rev.1, L.4 and Add.1)

1. Mr. ENKHTSAIKHAN (Mongolia), speaking on behalf of the 31 delegations sponsoring the revised draft resolution in document A/C.6/36/L.3/Rev.1, expressed the hope that it would be adopted by the Committee without a vote.
2. The draft resolution reflected the results of the previous session of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, as well as the views expressed during the debate on the report in the Sixth Committee. It was of a procedural nature and mainly reproduced the provisions of resolution 35/50 adopted the previous year by the General Assembly. For example, paragraph 2 provided for the continuation of the Special Committee's work on the basis of its existing mandate, with a view to the drafting of a world treaty on the non-use of force in international relations. For that purpose, paragraph 3 specified that the Special Committee should take into account the USSR draft and the two working papers, submitted by the group of non-aligned countries and by the group of Western countries.
3. The draft resolution did, however, contain some innovations. Two of them - in the fourth preambular paragraph and in paragraph 4 - dealt, respectively, with the contribution made by the non-aligned countries in that area and with the need for the Special Committee to take those efforts "into due account."
4. Another innovation was in paragraph 6, where the Special Committee was requested "to be mindful of the importance of reaching general agreement whenever it has significance for the outcome of its work." The idea was merely to formalize the Special Committee's practice of working on the basis of consensus.
5. Ultimately, the sole aim of the draft resolution was to reaffirm the desire and determination of the international community to outlaw the use of force in international relations. One practical manifestation of that desire and determination was the Mongolian proposal for the drafting of a convention on that subject for the regions of Asia and the Pacific.
6. At the request of the representative of the United States, a vote was taken on the revised draft resolution.
7. At the request of the representative of Mongolia, a recorded vote was taken.

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(Mr. Enkhsaikhan, Mongolia)

In favor: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Bhutan, Brazil, Bulgaria, Bruma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chile, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, Denmark, France, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, United States of America.

Abstentions: Australia, Austria, China, Federal Republic of Germany, Greece, Ireland, Malawi, New Zealand, Turkey.

8. The revised draft resolution (A/C.6/36/L.3Rev.1) was adopted by 87 votes to 15, with 9 abstentions.

9. Mr. KROGDHAL (Norway) said that his delegation had voted against the revised draft resolution because there was no need for a new world treaty on the non-use of force - a principle which was embodied in the Charter of the United Nations and in the international instruments for the peaceful settlement of disputes. In fact, the existence of a new international instrument proclaiming already existing obligations would only contribute to the weakening and undermining of the very principles which it was desired to defend.

10. Mr. ANDERSON (United Kingdom), speaking on behalf of the 10 States members of the European Economic Community, explained that those delegations had been unable to support the revised draft resolution because it emphasized the early conclusion of a world treaty. The resolution showed signs of a more constructive approach than in the past, especially in the fourth preambular paragraph and paragraph 4, concerning the efforts of the non-aligned countries. But the conclusion of a world treaty would carry with it the danger of weakening fundamental Charter provisions. In addition, the delegations of the 10 countries had serious doubts about whether the Special Committee could work by consensus, as requested in paragraph 6, particularly in view of the unclear

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(Mr. Anderson, United Kingdom)

nature of its mandate.

11. Nevertheless, the 10 delegations would display a constructive spirit in the future consideration of the topic, and specified that the documents to be considered by the Special Committee should include the paper submitted by five member countries of the European Economic Community.

12. Mr. LACLETA (Spain) wished to place on record the fact that his delegation had studied with great interest the last preambular paragraph and paragraphs 4 and 6 of the revised draft resolution, which in its view gave renewed hope for positive results in the work of the Special Committee. Nevertheless, it considered that the reasons which had led the Spanish delegation to vote against that type of proposal in the past had not disappeared. Those reasons had been stated by the Norwegian representative.

13. Mr. FERNANDEZ (Chile) said that he had voted in favour of the revised draft resolution because his delegation was convinced of the vital need to respect and to strengthen in all circumstances the principle of the non-use of force in international relations. In that connexion, the Chilean delegation, which was a member of the Special Committee, believed that the Committee should continue its work on the formulation of an international instrument establishing an effective mechanism for the application of that principle.

14. Mr. ROSENSTOCK (United States of America) said that, since the text just adopted was of little use and might be harmful, his delegation had voted against it. The basic elements of that draft resolution, the report of the Special Committee and the political situation prevailing in the world did not provide sufficient indication to make the United States delegation revise the considered opinion which it had reached with regard to the question.

15. Miss OLIVEROS (Argentina) said that any effort to enhance the effectiveness of the principle of non-use of force in international relations deserved the support of the international community; for that reason, her delegation had voted in favour of the revised draft resolution.

16. That attitude did not mean, however, tacit support for a particular type of instrument. Considerable caution should be displayed as regards the form and content of the instrument, and her delegation hoped that the decision finally adopted by the Special Committee would strictly conform to the principle concerned, to the relevant provisions of the Charter and to the real possibilities for implementation of the decision in practice.

17. Mr. CALERO RODRIGUES (Brazil) said the over a period of years his delegation had been disappointed at the lack of results from the work of the Special Committee, and at the preceding sessions it had abstained from voting on the resolution on the subject because it had felt that the General Assembly should give more specific guidelines concerning the tasks to be accomplished by

(Mr. Calero Rodrigues, Brazil)

the Committee. The Special Committee had wasted too much time in the general debate on procedural questions had not been able to deal with matters of substance.

18. However, paragraph 4 of the revised draft resolution gave hope that the Special Committee might turn its attention to positive work, and his delegation had therefore decided to vote in favour of that draft resolution. Underlying that change was the hope that the Committee would forgo unnecessary procedural discussions and apply itself to a thorough consideration of questions of principle, leaving polemics about the kind of instrument to be adopted until later.

19. Mr. ROSENNE (Israel) said the reason for his negative vote was that no changes of substance had been made in the proposal, so that the position stated by his delegation at the 40th meeting of the Special Committee remained valid.

20. He also wished to make a general comment on paragraph 3 of document A/C.6/36/L.4/Add.1, containing observations by the Committee on Conferences on the unrevised draft resolution (A/C.6/36/L.3 and Corr.1). The Committee on Conferences noted that at previous sessions of the Special Committee the conference resources put at its disposal had not been fully utilized. As he understood it, that was due to the fact that some of the Committee's work was carried out in informal consultations away from the conference room. He hoped that the Committee on Conferences would bear that in mind and would not go on repeating that kind of routine comment in its reports.

21. Mr. HUANG Jiahua (China) explained that his delegation had abstained from voting because the revised draft resolution did not sufficiently reflect the need for the Special Committee to base its work on the revised working paper presented by a group of non-aligned countries (A/AC.193/WG/R.2/Rev.1), although that did not mean that it should not take into account any other reasonable proposal.

22. Nevertheless, his delegation welcomed the inclusion in the revised draft resolution of operative paragraph 4 and the last preambular paragraph, both of which referred to the contributions of the non-aligned countries, and of operative paragraph 3, which requested that all the proposals submitted should be taken into account. Those paragraphs represented a great improvement over previous draft resolutions on the question.

23. Despite its abstention, his delegation wished to make it quite clear that it would support any future proposals that would have the practical effect of enhancing the effectiveness of the principle of non-use of force in international relations.

(Mr. Huang Jiahua, China)

24. Mr. MAHBOULI (Tunisia) said that his affirmative vote reflected Tunisia's attachment to the principle of non-use of force in international relations and in no way implied its support for any political position.

25. Mr. DE STOOP (Australia) said that, despite some signs of more constructive approach to the subject, the resolution still contained unchanged the mandate of the Special Committee and did not, therefore, meet the suggestions made in the Sixth Committee by various delegations. For those reasons, his delegation had abstained.

26. Mr. HAYASHI (Japan) said that, although some new elements had been introduced, there was no reason for his delegation to change its basic position, as stated at the preceding session, and it had therefore voted against the draft resolution.

27. Mr. GRÖNWALL (Sweden) and Mr. CHARLES (Haiti) said they regretted not having been present when the vote was taken; if they had been present, they would have abstained.

28. Mr. MAYNARD (Bahamas), Mr. RIERA (Panama), Mr. OKWONGA (Uganda), Mr. HACHEME, (Benin), Mr. AKINLEYE (Nigeria), Mr. FLEMMING (Saint Lucia), Mr. DAHER (Costa Rica) and Mr. SCOTLAND (Guyana) said they regretted not having been present when the vote was taken; if they had been present, they would have voted for the draft resolution.

29. Mr. EL-BANHAWI (Egypt) said that, in view of the difficulties which many small delegations had experienced during the past year in arranging to be represented when bodies reporting to the Sixth Committee were scheduled to meet simultaneously, and in view also of the fact that the United Nations Conference on the Law of the Sea would be meeting during the period assigned to the next session of the Special Committee in document A/C.6/36/L.4/add.1, paragraph 2, the dates so assigned should be the subject of consultations between the various groups of delegations and the Bureau.

30. Mr. ROMANOV (Secretary of the Committee) said that the Chief of the Planning and Meetings Servicing Section had submitted the proposed dates for the 1982 session of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations to the Committee on Conferences because the latter was responsible for approving them. Consequently, the Sixth Committee had little influence in the matter.

31. Mr. ROSENNE (Israel) said that he found the Secretary's statement disturbing. There were a number of subsidiary organs which met between sessions of the General

(Mr. Rosenne, Israel)

Assembly and subsequently reported to the Sixth Committee - for instance, UNCITRAL, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries. In addition, delegations wanted to be represented at the United Nations Conference on the Law of the Sea. The Secretariat should therefore give delegations an indication of the periods of time available, so that they could consider their possibilities in terms of expense and time.

32. Mr. KOROMA (Sierra Leone) said that not only small delegations, but even large ones, experienced difficulties in attending so many meetings and were faced with a problem of decreasing returns, since it was impossible to achieve optimum results when meetings were scheduled simultaneously. He believed that the Committee on Conferences ought to be aware of the views of the Sixth Committee, and he hoped that the Secretariat would transmit them.

The meeting rose at 4.15 p.m.