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REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF
 THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS

Report of the Secretary-General

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* A/36/150.

I. INTRODUCTION

1. On 4 December 1980, the General Assembly adopted resolution 35/50 entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations", paragraphs 2 and 4 of which read as follows:

"The General Assembly,

" ...

"2. Decides that the Special Committee shall continue its work with the goal of drafting, at the earliest possible date, a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee deems appropriate;

" ...

"4. Invites the Governments which have not yet done so to communicate their comments or suggestions or to bring them up to date, in accordance with General Assembly resolution 31/9;"

In this connexion it may be recalled that the General Assembly by resolution 31/9, inter alia, invited Member States to examine further the draft World Treaty on the Non-Use of Force in International Relations referred to in the resolution as well as other proposals and statements made during the consideration of the item entitled "Conclusion of a world treaty on the non-use of force in international relations"; and requested Member States to communicate to the Secretary-General their views and suggestions on this subject.

2. Pursuant to paragraph 4 of resolution 35/50, the Secretary-General by a note dated 31 December 1980 invited Member States to communicate to him as soon as possible the comments or suggestions referred to in that paragraph.

3. As at 31 August 1981, communications had been received from Algeria, Brazil, Czechoslovakia, Mexico, Romania, Saint Vincent and the Grenadines and Suriname. Those communications, which had also been made available to the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations at its 1981 session except for that of Czechoslovakia which was received after the closure of that session, 1/ are reproduced below. Any further communications will be published in addenda to the present report.

1/ Pursuant to the decision in paragraph 2 of General Assembly resolution 35/50, the Special Committee met in New York from 23 March to 17 April 1981. For its report, see Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 41 (A/36/41).

II. OBSERVATIONS RECEIVED FROM GOVERNMENTS

ALGERIA

/Original: French/

/19 March 1981/

The Government of the People's Democratic Republic of Algeria is favourably disposed towards the drafting of a treaty on the non-use of force in international relations, the purpose of which would be, on the one hand, to reaffirm, and, on the other, to codify and develop, the general principle embodied in the Charter of the United Nations. An international legal instrument on the subject would further the general aim of maintaining international peace and security and ensuring that the principles of the Charter of the United Nations and of international law prevail in international relations. An effort on the part of the international community as a whole to ensure the effectiveness of the principle of non-use of force is called for in this connexion.

The drafting of such a treaty should therefore entail a rigorous definition of the obligation not to use force and a clarification of its scope.

1. Algeria considers that the principle of non-use of force in international relations should be developed in the light of the other cardinal principles of the Charter of the United Nations and on the basis of the evolution of international law as reflected, in particular, in the resolutions of the General Assembly of the United Nations.
2. In that connexion, the principle of non-use of force, duly understood as prohibiting both the threat and the use of force, should be defined in accordance with a comprehensive approach encompassing the military, political and economic aspects of the concept of force.
3. Similarly, although the characterization of the use of force in all types of acts of aggression should be solemnly proclaimed, exceptions to the general principle should be carefully set out and seriated:

Enforcement action undertaken by virtue of Chapter VII of the United Nations Charter;

Cases of individual or collective self-defence in accordance with Article 51 of the Charter;

The legitimate national liberation struggle of peoples under colonial and alien domination for the exercise of their right to self-determination and independence.

4. With regard to the confirmation of the legitimacy of the struggle of peoples deprived of their right to self-determination, it is necessary to affirm the right and duty of States to provide the peoples under colonial and alien domination with

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support consistent with the purposes and principles of the Charter of the United Nations. Consequently, acts of reprisal involving, in particular, violations of the territorial integrity of sovereign States should be characterized as aggression and should entail the international responsibility of their perpetrators.

5. The permanent prohibition of the threat or use of nuclear weapons against non-nuclear-weapon States, without any discrimination.

6. General and complete disarmament, completion of the decolonization process, and recognition of the permanent sovereignty of States over their natural resources and economic activities within their territories would enhance the effectiveness of the principle of non-use of force in international relations. The envisaged treaty should accordingly establish them as general principles and make full compliance with those principles a prerequisite for the establishment of international relations based on the force of law.

BRAZIL

/Original: English/

/30 March 1981/

1. Brazil has taken part in the procedures of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations in the hope that its work would be a relevant contribution to the development of international law. However, unless positive efforts are made to harmonize conflicting points of view on the course of action to be taken by the Special Committee, it will be paralyzed and doubts will remain on the advisability of renewing its mandate. Brazil abstained in the vote on the resolution adopted by the Sixth Committee on the matter, at the thirty-fifth session of the General Assembly, because its drafting offered no new alternatives to the stalemate in the Special Committee's activities.

2. Although it is undeniable that no new treaty could impose on States any clearer or stronger obligation than that already established by international law on the non-use of force, Brazil considers that it would at this stage be useful to examine possible means of enhancing this basic principle of the Charter.

3. The Brazilian delegate to the Sixth Committee suggested that a further elaboration of the 17 draft principles listed in the working paper presented by a group of non-aligned countries could serve as a basis for a substantive discussion on the matter, and expressed the view that the primary task of the Special Committee should be an in-depth examination of all existing legal principles on the non-use of force.

4. A detailed consideration of relevant elements of other documents presented to the Special Committee, including the draft Treaty proposed by the USSR, should also be undertaken. It was, furthermore, stated by the Brazilian delegate that the Committee should embark upon consideration of the interrelationship between

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the various principles embodied in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States (General Assembly resolution 2625 (XXV)).

5. Brazil also suggested that whatever course of action the Committee might decide to follow, its work would be facilitated if the Secretariat prepared a comprehensive paper on the existing instruments that embody accepted principles on the non-use of force.

6. Those proposals were put forward with the twofold purpose of achieving positive results within the present mandate of the Committee and of enhancing the chances for a fruitful examination of a peremptory norm of the Charter, with which we have witnessed all too frequent instances of non-compliance.

7. During the debates held on the matter within the General Assembly, several countries have expressed willingness to overcome the paralyzing confrontation between two groups of delegations, of which one wishes to promote the drafting of a treaty on the non-use of force and the other fears that such a course would weaken the effectiveness of the principle.

8. In spite of the fact that a resolution was adopted by the General Assembly at its thirty-fifth session on the mandate of the Special Committee, it is painfully clear that no agreement has as yet been reached on the subject. Unless the opposing groups can now be persuaded to adopt a more flexible course of action, by postponing the decision as to whether the instrument to be issued should be a treaty or a declaration, until after a substantial agreed text has been formulated, it is to be feared, without undue pessimism, that we will undergo another financially cumbersome and unproductive meeting of the Special Committee.

CZECHOSLOVAKIA

/Original: English/

/13 April 1981/

1. Reactionary, imperialist and hegemonistic forces have caused a deterioration of the international political situation throughout the world in the recent period of time and have posed a threat to the process of détente.

2. The socialist States have untiringly stood up against these dangerous tendencies which may bring the world only the threat of a new military confrontation with catastrophic consequences for humanity.

3. The Czechoslovak Socialist Republic is of the view that all international negotiations must be revived, the aim of which is to strengthen international peace and security, including negotiations on disarmament.

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Such a revival requires nothing but the political goodwill of States. The political will and constructive co-operation among countries, regardless of their social systems, constitute the prerequisites of achieving progress on the way to peace and international security.

4. This objective is pursued by the Declaration on International Co-operation for Disarmament, adopted by the General Assembly in resolution 34/88 of 11 December 1979 on Czechoslovakia's initiative at the thirty-fourth session. The unequivocal support given to the Declaration by the States Members of the United Nations proves that it is received as a positive factor for the deepening of the process of détente and that it is fully in keeping with the efforts of nations to reach a speedy solution of the questions of arms limitation and disarmament, to safeguard peace and stable international security.
5. Of growing importance currently is the question of the all-round mobilization of the political will by all countries and all the progressive forces of the world which should concentrate on the solution of the most urgent tasks of curbing the arms race and of disarmament. In this all States should focus their attention on the implementation of the above-mentioned United Nations Declaration and, in the spirit of that Declaration, approach negotiations on disarmament and on the submitted proposals.
6. The Czechoslovak Socialist Republic, together with the other socialist countries, is doing its utmost to contribute to the deepening of the process of international détente. This is attested by its numerous proposals presented at various multilateral forums, as well as in bilateral negotiations. The joint position of the socialist States is prominently expressed in the proposal by the Soviet Union to conclude a world-wide treaty on the non-use of force in international relations.
7. The policies of some Western States, however, have a different orientation. This is attested, in particular, by the plans of the North Atlantic Treaty Organization for a systematic growth of military outlays, for further armaments, and also the decision to deploy United States medium-range nuclear missiles in Western Europe, or the recent reports on the intentions of the United States to include the neutron bomb in its armaments which has already been denounced by world public opinion. The danger of these steps grows in prominence in connexion with the adoption of a new nuclear strategy of the United States creating illusory notions about the possibility of conducting a limited nuclear war. This policy is contrasted by the judicious and constructive policies of the USSR which were so convincingly expressed from the rostrum of the 26th Congress of the Communist Party of the Soviet Union in the form of a whole number of new proposals by the Soviet Union aimed at strengthening mutual confidence and consolidating peace throughout the world. The value of these proposals consists in the fact that they relate to the most pressing problems of today. That is why Czechoslovakia fully supports them and is convinced that they create a favourable political atmosphere also for the deliberations of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations.

8. Czechoslovakia therefore supports the proposal to conclude a world-wide treaty on the non-use of force in international relations. The drafting and the consistent implementation of such a treaty would remove the threat of conflicts and of their possible exalation.
9. The peace-loving nations of the world are increasingly aware of the importance and weight of the problems relating to the strengthening of international security and peace throughout the world. That is why the proposal to conclude a world-wide treaty on the non-use of force in international relations has met with a wide-ranging response among the majority of States which is attested, for instance, by the working paper submitted by 10 non-aligned countries at the session of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force held from 7 April to 2 May 1980.
10. The Soviet draft text of the treaty together with the working paper of the 10 provide a good basis for a constructive discussion on the substance of the text of the future treaty acceptable to all States. Proceeding from the urgent need to solve a number of important questions relating to international peace and security in general and to disarmament in particular, the Czechoslovak Socialist Republic regards the Soviet proposal to conclude a world-wide treaty on the non-use of force in international relations as being of extraordinary importance and timeliness in the current international political situation.
11. The draft of the world-wide treaty on the non-use of force in international relations adheres closely to the Charter of the United Nations, further elaborates and details the commitments resulting from it to States in the vitally important field of maintaining international peace and security. The set of duties, rights and guarantees as contained in the draft of the treaty represents an elaboration of the basic provision of Article 2, paragraph 4, of the Charter of the United Nations, as well as the implementation of the expectation that the provisions of the Charter will be further developed in the form of international agreements. Although they follow an identical objective, i.e. to exclude the use of force or the threat of force from international relations, the draft treaty and the Charter of the United Nations do not compete with each other but, on the contrary, they complement each other and together they constitute the most authoritative set of legal barriers to the use of force among States.
12. The submitted draft of the world-wide treaty on the non-use of force responds to the fact that the existing legal regulation of the principle of the non-use of force in international relations is not sufficient. The conclusion of a world-wide, truly universal treaty on the non-use of force in international relations, containing the contractual commitment to prohibit the use of force in any form - from the military point of view both nuclear and conventional force - would bring equal safeguards of security to all States, regardless of the economic, political and military means at their disposal.
13. The legal concept of the draft world-wide treaty on the non-use of force in international relations that fully respects the principle of both collective and individual defence as well as the inalienable rights of the peoples waging a national liberation struggle, has met, for a number of years, with a completely

convincing and ever growing support at the sessions of the United Nations General Assembly, in other United Nations bodies as well as in various international forums and has provoked numerous constructive proposals pursuing the same goal. Many of them are under the consideration of the Special Committee on Enhancing the Effectiveness of the Non-Use of Force in International Relations thanks, among other things, to the initiative of the 10 non-aligned countries submitted at last year's session of the Special Committee.

14. The Czechoslovak Socialist Republic expects that all members of the Special Committee will demonstrate their political responsibility during the consideration of all the constructive proposals and that they will do so in close interrelation with the draft of the world-wide treaty and will conduct these deliberations in a manner and spirit that are in keeping with the objectives set forth in resolution 35/80, which will enable the Special Committee to make significant progress towards the implementation of its main goal - the conclusion of a world-wide treaty on the non-use of force in international relations.

MEXICO

/Original: Spanish/

/9 March 1981/

The comments of the Government of Mexico on the preparation of a multilateral treaty on the non-use of force in international relations:

1. Mexico has played an active part in the work of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations and has even been its Chairman, thus giving further proof of its co-operation with regard to the basic achievement of the Organization.
2. Although its position regarding the preparation of a multilateral treaty on the subject has already been fully set forth in the documents issued by the Special Committee and the General Assembly, Mexico wishes to reiterate on this occasion that it supports the preparation of an instrument of general application, provided that instrument clarifies and covers in detail situations not specifically envisaged in the Charter. It feels that a text which merely repeated the Charter would not represent any progress in the codification of international law, and hence would in no way help to improve relations between peoples or give effect to the prohibition of the use of force, which is the corner-stone of the United Nations system.

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ROMANIA

/Original: French/

/9 February 1981/

1. The comments and suggestions of the Romanian Government on enhancing the effectiveness of the principle of non-use of force in international relations were transmitted in 1977.

2. These comments and suggestions are contained in the report of the Secretary-General A/32/181/Add.1 of 13 October 1977 and remain entirely valid.

SAINT VINCENT AND THE GRENADINES

/Original: English/

/18 February 1981/

The Government of Saint Vincent and the Grenadines:

1. Supports fully every effort which seeks to achieve peace and harmony between nations, an objective which it believes could be achieved by the non-use of force and the peaceful settlement of disputes;
2. Supports the request that complete in-depth consideration should be given to all proposals intended to enforce the principle of the non-use of force in international relations;
3. Recommends that all, and particularly major countries, sign the proposed treaty on the non-use of force in international relations, and that any offending country be made to serve sanctions imposed by the United Nations;
4. Believes that with the observance by countries of the non-use of force peaceful settlement could be the only logical and realistic method of solving problems of dispute.

SURINAME

/Original: English/

/28 January 1981/

1. The principle of non-use of force in international relations is firmly embedded in the Charter of the United Nations and Suriname regards full respect of that principle as a prerequisite for the maintenance of international peace and security.

2. The Government of Suriname holds that the constant resort to arms violates that principle to such an extent that its moral and political influence could be seriously weakened.

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3. The Government of Suriname is furthermore of the opinion that it is primarily the responsibility of the United Nations to guarantee international peace and security and to protect national sovereignty, territorial integrity and the independence of States.

4. In view of the continuation of conflict situations between States, the Government of Suriname is of the opinion that urgent and strict measures are required for the peaceful settlement of international disputes in accordance with the principles of the Charter of the United Nations concerning respect for the territorial integrity of all States, without resort to the use of force.
