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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/37/150.

I. INTRODUCTION

1. On 13 November 1981, the General Assembly adopted resolution 36/31, entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations", paragraphs 2 and 5 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;

"...

"5. Invites the Governments that have not yet done so to communicate their comments or suggestions or to bring them up to date, in accordance with General Assembly resolution 31/39;"

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 5 of resolution 36/31, the Secretary-General by a note dated 15 December 1981 invited Member States to communicate their comments or suggestions referred to in that paragraph.

3. As at 10 August 1982, communications had been received from Botswana, the Central African Republic, Czechoslovakia, Democratic Kampuchea, Egypt, Iran and Venezuela. 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 1982 session (A/AC.193/4 and Add.1 and 2, A/AC.193/4/Add.3 and Corr.1, A/AC.193/4/Add.4), except for that of Venezuela, 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.

## II. OBSERVATIONS RECEIVED FROM GOVERNMENTS

### BOTSWANA

[Original: English]  
[4 March 1982]

The Government of Botswana has no comments to make other than to urge strict respect for the Charter of the United Nations. What the international community lacks in reality is not a mere treaty enjoining or binding States to respect each other's territorial integrity but, rather, it is the will and honest determination by States to live in peace with one another and to shy away at all times from the use of force in the settlement of inter-State disputes.

### CENTRAL AFRICAN REPUBLIC

[Original: French]  
[24 March 1982]

Since the initial idea behind the establishment of the United Nations is unquestionably peace, there is no doubt that the members of the international community should concentrate on doing everything possible to ensure the conditions for the preservation of that peace, as the use of force in our days could only be apocalyptic for the entire community. From this viewpoint, those who created the United Nations were right to entrust to the world Organization the difficult mission of maintaining peace in a world increasingly dominated by disquiet, intolerance, inequality, injustice and attempts at domination in various places. The United Nations can perform this weighty task only if States help it do so by formally undertaking collectively to renounce the use of force. For this reason, the Government of the Central African Republic is following with interest the work of the Special Committee aimed at drafting a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes. In the opinion of the Government of the Central African Republic, such a treaty should preclude the possibility of any reservations.

### CZECHOSLOVAKIA

[Original: English]  
[29 March 1982]

1. The Czechoslovak Socialist Republic shares the concern with which the overwhelming majority of States Members of the United Nations and the international community follow the dangerous development of the international situation. In the recent time a deterioration of the international situation has occurred which is one of the gravest since the end of the Second World War. Responsibility for this negative development falls on the aggressive circles of the imperialist countries that are initiating a new round of the arms race, are attempting to disturb the military balance, are striving to conduct a policy from the position of force and are practically blocking any negotiations on disarmament.

2. In this situation when attempts are made to undermine the very foundations of world peace and international security, when the ruling imperialist circles not only admit the possibility of a nuclear conflict but even proceed from the assumption that they can win such a conflict, when, as a result of the obstructionist policies of the West, negotiations in the field of disarmament do not bring tangible results, the Czechoslovak Socialist Republic sees the strengthening of international peace and security as one of the major tasks of the current time.

3. The several years of consideration of the question of drafting and concluding a world-wide treaty on the non-use of force in international relations have shown that this idea has found the decisive support of the overwhelming majority of States. This idea withstood all the attacks of its adversaries and the Special Committee entrusted with the elaboration of the treaty stood all the tests to which it has been submitted through the attacks and intrigues of the opponents of the treaty.

4. It is characteristic that the opponents of the conclusion of a world-wide treaty on the non-use of force in international relations did not manage to find convincing arguments with which they could support their negative approach. Their basic argument that the treaty would either be a repetition of the ban on the use of force in international relations contained in the Charter of the United Nations or that it would even constitute its revision is artificially construed and unconvincing. Both in the Special Committee and in the General Assembly of the United Nations it has been convincingly proved that the conclusion of the treaty would represent a codification and a further development of this basic principle of the United Nations Charter in a binding treaty document, which is in keeping with the established practice of the United Nations in a number of fields. In no case would this weaken or revise the principle of the non-use of force in international relations, as it is being alleged by the opponents of the conclusion of the treaty. On the contrary, this principle would be strengthened, specified and enhanced. This would be regarded by Czechoslovakia as an undeniable contribution to the strengthening of international peace and security. As was indicated by the deliberations of the thirty-sixth session of the United Nations General Assembly, this view is shared by the overwhelming majority of the States Members of the United Nations.

5. Czechoslovakia is convinced that it is necessary at the current time for the Special Committee to embark speedily on the drafting of the treaty, as it is provided for in the respective resolution of the General Assembly. In other words, the Special Committee should proceed to draft the text of the individual provisions of the treaty. As we have repeatedly stated, the draft of the world-wide Treaty on the Non-Use of Force in International Relations submitted by the Union of Soviet Socialist Republics represents, in our view, a very good foundation for the successful work of the Special Committee and the fulfilment of its task - the elaboration of the treaty. Important contributions to that end have been made also through other proposals submitted in the Special Committee, in particular the proposal of the group of non-aligned countries.

6. It must once again be emphasized that the approach of countries members of the Special Committee to the fulfilment of the Committee's tasks will indicate their political will to contribute to the strengthening of international peace and security by creating a legal instrument containing the contractual commitment to the non-use of force in international relations.

#### DEMOCRATIC KAMPUCHEA

[Original: French]  
[14 April 1982]

1. The Government of Democratic Kampuchea has always made renunciation of the use of force a corner-stone of its foreign policy and has made every effort to ensure the application of that principle in relations between the States of the region, as with the other States of the world.
2. Today, although the people and the nation of Kampuchea are victims of the war of aggression and genocide waged by the Socialist Republic of Viet Nam, the Government of Democratic Kampuchea, faithful to the afore-mentioned policy and respecting the principles of the Charter of the United Nations and those of the non-aligned movement, of which Democratic Kampuchea is a founding member, continues none the less to adhere to the principle in question and to oppose resolutely the use of force to resolve disputes between States and nations which are members of the international community. For that reason, it reaffirmed the principle clearly in the political programme of the Patriotic and Democratic Front of Great National Union of Kampuchea, adopted in December 1979 by the National Congress.
3. In the opinion of the Government of Democratic Kampuchea, the enhancing of the effectiveness of the principle of non-use of force or threat of force is currently of particular importance because of the alarming deterioration of the international climate, owing to the policy of diktat and aggression of the international and regional expansionists in the world. Both scorn the sacred principles of the Charter, the norms of international law and the condemnations of them voiced by the international community. In Kampuchea, since December 1978, the Vietnamese troops of aggression, which today number more than 250,000 men, have been waging, with conventional weapons, chemical weapons and the famine which they have deliberately created, a war of racial extermination and territorial annexation. In Afghanistan, since December 1979, some 100,000 Soviet troops have been carrying on their aggression and their foul crimes in a vain effort to subjugate the heroic Afghan people by fire and sword. In addition to these two hot-beds of tension, new conflicts have emerged in Asia, Africa and Latin America, the origin of which lies in violation of the principle of the non-use of force in international relations.
4. Accordingly, the enhancing of the effectiveness of the principle of non-use of force in international relations is a question of major importance for all States, particularly the small and medium-sized States, because it is directly linked to the vital problem of the maintenance and strengthening of international peace and security and to that of the economic and social development of the international community.

5. The use of force is assuming increasingly diverse and sophisticated forms. As the victim of the barbarous aggression of the Hanoi authorities, Democratic Kampuchea is extremely concerned about the fact that the essential purpose of the United Nations, namely, the maintenance of international peace and security, is not always attained and that its fundamental principle, namely, the prohibition of the use of force in international relations, is not always respected. It considers, therefore, that the rational way of eliminating the use of force in international relations is to establish effective, appropriate, universal and inviolable machinery for the peaceful settlement of international disputes and to institute, at the same time, a system of mandatory sanctions for cases of violation of its principles and regulations. Otherwise, the principles and regulations in question might remain a dead letter, like other well-known principles of the Charter. This could be achieved only through negotiations and instruments based on broad agreement or on consensus. However, it is necessary to remain strictly faithful to the purposes and principles of the United Nations. Moreover, experience shows that the chances of success of bilateral or multilateral negotiations depend not on the fine words of the parties concerned but essentially on their good faith and their respect, through concrete actions, for international law. As long as the Soviet international expansionists and their accomplices, the Vietnamese regional expansionists in Asia and the Cuban regional expansionists in Latin America, continue to use the rostrums of the United Nations and other international bodies for their peace propaganda, while they persist unremittingly in the crime against humanity constituted by their wars of aggression and expansion in Kampuchea and Afghanistan and their subversion and destabilization activities in all parts of the world and increase their conventional and nuclear arsenals behind the screen of their disarmament propaganda, it is futile to hope to arrive at the drafting of a world treaty on non-use of force in international relations.

6. Democratic Kampuchea believes that non-use of force or threat of force and the sincere desire of States to regard peace-keeping as a mode of international conduct are closely linked and form an indivisible whole. The desire for peace, which is expressed in the Charter, implies that threats or any other kind of coercion against another country are condemned and prohibited. In the absence of such a desire for peace, any means of peaceful settlement of disputes and any machinery adopted or established by the international community to guarantee the non-use of force might prove useless and even dangerous in the face of the law of the jungle which the expansionists are trying to introduce into international relations. As long as a State or group of States places itself above the international community and has expansionist and aggressive designs, it will not hesitate to violate the norms of law.

7. Since 1930, the date of the foundation by Ho Chi Minh of the Vietnamese Communist Party, under the revealing name of Indo-Chinese Communist Party, the Vietnamese expansionists of Hanoi have used every means to endeavour to realize their 50-year-old ambition to absorb Kampuchea through the "Indo-Chinese Federation" under Vietnamese domination. After experiencing successive failures in their activities of sabotage, infiltration, subversion, attempts to assassinate the leaders of Democratic Kampuchea and coups d'état supported by incessant attacks on the frontier, with a view to overthrowing the Government of Democratic Kampuchea and installing a puppet régime in its place, the regional expansionists of Hanoi

finally used brutal armed force and launched a first invasion of Democratic Kampuchea in December 1977, which failed in January 1978, and a second invasion in December 1978, with the vast and multiform assistance of the USSR, with which they signed a military treaty on 3 November 1978. Currently, it is public knowledge that the Vietnamese aggression against Democratic Kampuchea could not continue without the multiform assistance of the USSR, which amounts to \$US 6 million a day. More than anyone, the people of Kampuchea, who have endured and are still enduring immeasurable afflictions and misfortunes caused by the Vietnamese war of aggression, hope only for an immediate end to this war. If they must overcome further difficulties, make further sacrifices and persevere further in the current struggle in the field, it is because the Vietnamese enemy imposes this on them. The sole purpose of the struggle currently being waged by the people of Kampuchea is national survival. However, parallel with the fighting in the field, the Government of Democratic Kampuchea has never spared its efforts in the active search at the international level for ways and means of hastening the end of the sufferings of the people of Kampuchea and satisfying their heartfelt aspirations to live in peace, in independence, honour and national dignity. As early as 5 May 1980, it proposed a three-point solution for an appropriate settlement of the problem of Kampuchea (document A/35/221). That proposal was in conformity with General Assembly resolutions 34/22, 35/6 and 36/5 and the Declaration of the International Conference on Kampuchea of 17 July 1981, which stressed that the situation in Kampuchea had resulted from the violation of the principles of respect for the sovereignty, independence and territorial integrity of States, non-interference in the internal affairs of States and the inadmissibility of the threat or use of force in international relations, and, in order to resolve the problem of Kampuchea, called for:

- (a) The withdrawal of all Vietnamese forces from Kampuchea;
- (b) The holding of general and free elections, by secret and direct ballot, under United Nations supervision, so that the people of Kampuchea might exercise their inalienable right to self-determination;
- (c) The international guaranteeing of the independence, sovereignty, territorial integrity, non-alignment and neutrality of Kampuchea.

8. The struggle of the people of Kampuchea is, indeed, for their survival, but it also constitutes an active contribution to the preservation of peace, stability and security in the region and in the world. Similarly, it makes a significant contribution to the defence of the purposes and principles of the Charter of the United Nations. Thus, the multiform support given by the international community to the struggle of Democratic Kampuchea, like that given to the Afghan people, is not only an act of justice but constitutes, in its essence and concretely, a means of enhancing the effectiveness of the principle of non-use of force in international relations.

EGYPT

[Original: Arabic]  
[26 March 1982]

General principles

1. The principle of "non-use of force or threat of force in international relations" is regarded as the corner-stone, in the Charter of the United Nations and the contemporary international legal system, for the maintenance of international peace and security. The principle, in conjunction with other principles, is aimed solely at the protection of mankind from the calamities and disasters of wars and the destruction which may befall human civilization as a result of the use of force in international relations, the degree reached by the arms race among States, the achievements of technological progress in the field of weaponry and related areas and the effects of changes in the international economic and social structure due to the elimination of colonialism.

2. Enhancement of the effectiveness of the principle of non-use of force in international relations is, to a large extent, dependent on the fulfilment of certain conditions and affirmation of the principles of the Charter and the international law relating thereto.

Basic points

3. Attainment of the goal of enhancing the effectiveness of the principle of non-use of force or threat of force in international relations depends on the fulfilment of three conditions:

- (a) Serious endeavour to draft binding legal instruments having as their aim the definition and clarification of the various dimensions of this principle;
- (b) Scrupulous observation by all States of the principle of non-use of force, respect by all States of their commitment under the Charter of the United Nations to resolve their disputes by peaceful means and the availability of the necessary international machinery for the achievement of this end;
- (c) Reaffirmation of the system of collective security as currently provided for in the Charter, with special emphasis on the measures which the various United Nations organs are empowered to take, such as fact-finding, investigation, provisional measures and economic and military sanctions.

4. Attention should be drawn to the relationship between some of the points mentioned in subparagraphs (a), (b) and (c) of the preceding paragraph and the proposals submitted during the debates of the Special Committee on the Charter of the United Nations with a view to improving the functioning of the United Nations system.



5. If the three points mentioned in paragraph 1 above are to be taken into consideration, the mandate of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations must cover all the aspects involved.

The principle of non-use of force in international relations and contemporary international law

6. The principle of non-use of force as set forth in the Charter constitutes a principle of general international law binding in international relations. It is a norm of jus cogens, derogation from which is admissible only in the two instances laid down in the Charter (the system of collective security which is the responsibility of the Security Council and self-defence as provided for in Article 51 of the Charter). This is in addition to recognition, in accordance with the principle of self-determination, of the right of recognized liberation organizations to use all means, including force, to achieve implementation of their right to self-determination. This reflects the considerable addition resulting from international development in the field of international law and its principles and norms. The non-use of force in international relations, therefore, as the corner-stone of the system set forth in the Charter for the maintenance of international peace and security, affects and is affected by the other principles on which this system is based and which must be taken into account in a discussion of the means of enhancing the effectiveness of the principle with which we are concerned.

7. There are a number of principles which must be emphasized in connexion with the principle of non-use of force or threat of force in international relations, the most important being:

- (a) The settlement of disputes by peaceful means;
- (b) Equality and the right of peoples to self-determination;
- (c) Territorial integrity, political independence, respect for the sovereignty of States and non-intervention in internal affairs;
- (d) General and complete disarmament under firm and effective international control, including the establishment of zones of peace, nuclear-weapon-free zones, weapon-free zones, reduction of military budgets, prohibition of weapons of mass destruction, etc.;
- (e) Peaceful co-existence;
- (f) Prohibition of acts which prepare the way for war, including propaganda for the use of force or threat of force;
- (g) Non-use of economic pressure or blockade, inasmuch as they are instances of the use of force;
- (h) Non-recognition of the effects of the use of force or threat of force.

8. The development of international relations and scientific and technological progress have made it important to focus on the following principles:

- (a) The peaceful use of outer space;
- (b) The right of all States to benefit from the peaceful uses of nuclear energy;
- (c) Regulation of common uses of the high seas and the exploitation of the wealth of the ocean floor;
- (d) Sovereignty of States over their natural wealth and resources;
- (e) Respect for human rights.

9. The Arab Republic of Egypt has expressed its point of view on this subject on more than one occasion and in more than one document, both in the General Assembly and in the Special Committee.

The position of Egypt on the manner in which the Committee should deal with the principle of non-use of force

10. The circumstances at the time of the establishment of the Special Committee and the commencement of its work led to the emergence of a kind of confrontation between two opposing currents or schools of opinion. The first emphasizes the importance of the codification of the principle of non-use of force, and one view stresses the necessity of concluding a treaty, while the second emphasizes the absence of any need for codification, particularly the conclusion of such a treaty, within the framework of the provisions of Article 4 of the Charter of the United Nations, which stands above any other international agreement. According to this second school, the main task is to investigate means of enhancing the effectiveness of the principle of non-use of force, the most important being the presence of political will and good intentions on the part of States, particularly the major Powers, and commitment to observe all the provisions of the Charter of the United Nations, first and foremost those relating to non-use of force in international relations.

11. In the light of this discussion, which led the Committee far from a study of the essence of the matter and its true substance, and believing in the importance of the progressive development and codification of international law, Egypt, in solidarity with the group of non-aligned States which were members of the Special Committee, endeavoured to expedite the Committee's work by proposing that the Committee should, for the time being, set aside the question of the form of the instrument which it was seeking to elaborate and focus its work on the substantive aspect, thus ending the existing confrontation between the two schools of opinion.

12. The first step towards this was a joint proposal by Egypt and Mexico based on 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 non-aligned group then submitted a working paper, at the third

session of the Special Committee containing 17 principles, which formed the basis of the work of the Committee at its fourth session. It was revised and redrafted in the light of the observations and comments made, so that it appeared in a more integrated and cohesive form and thus became, instead of merely a set of principles, an integrated and cohesive working paper setting forth the viewpoint of its authors in support of the principle of the non-use of force in international relations.

13. Egypt considers that the best course for the work of the Committee is to discuss this working paper in depth and then devise the appropriate framework for discussion of all of the proposals submitted to the Special Committee, including the above-mentioned working paper, after its discussion by the Committee, so that the desired result may be achieved and the obligation contained in General Assembly resolution 36/31 complied with, namely, to complete examination of the proposals submitted to the Committee, to study the possibility of co-ordinating all those proposals and to abstract the ideas which have met with general acceptance so that they may form the basis of what the Committee issues as the final outcome of its work.

14. The Government of Egypt wishes to draw attention to the close relationship between the work of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations and that of the Special Committee on the Charter of the United Nations and on the strengthening of the role of the Organization.

15. Undoubtedly, the fact that the Special Committee on the Charter has managed to produce the first of the positive fruits of its labour with the completion of the preparation of the draft Manila declaration on the peaceful settlement of disputes is a strong spur to the Special Committee on Enhancing the Effectiveness of Non-Use of Force in International Relations to complete the task entrusted to it, inasmuch as we regard these two topics as two sides of the same coin and inseparable. This is clear from the text of paragraph 13 of Part I of the Manila Declaration, which states:

"Neither the existence of a dispute nor the failure of a procedure of peaceful settlement of dispute shall permit the use of force or threat of force by any of the States parties to the dispute."

IRAN

[Original: French]  
[2 April 1982]

1. The Government of the Islamic Republic of Iran supports any measure aimed at enhancing the effectiveness of the principle of non-use of force in international relations, and takes a favourable view of the drafting of an international instrument on the subject, the purpose of which would be to develop the principle set forth in Article 2, paragraph 4, of the Charter by meticulously circumscribing its content and its exceptions.

/...

2. In this connexion, the Government of the Islamic Republic of Iran considers that the working paper of the non-aligned countries, which covers various aspects of the principle of non-use of force, makes a very useful contribution to progress towards regulating the principle by treaty.

3. However, in view of the complexity of the question of the use of force and the different interpretations placed on it according to political and economic exigencies, and in view of the constant use of force in its various aspects by the super-Powers and their agents in international relations, the Government of the Islamic Republic of Iran considers that the multifarious manifestations of the use of force should be examined and that not only the evident forms of use or threat of force but also the hidden forms of use of force in its military, political and economic dimensions should be defined.

4. In other words, the international instrument should contain a definition of the use of force encompassing, in addition to the direct use of armed force and threat of force, the following elements:

- (a) The use of mercenaries;
- (b) Instigation and hostile propaganda;
- (c) Overt or covert plots to interfere in the internal affairs of other States or to extend areas of influence to them;
- (d) Overt or clandestine attempts to destabilize the Governments of other States;
- (e) Incitement to the use of force, collaboration and material and moral support for a State which uses force, particularly by supplying arms to a State which, acting on its own initiative or on behalf of a super-Power, uses armed force against another State;
- (f) Economic and political pressure and coercion.

5. Similarly, the exceptions to the peremptory principle of non-use of force must be scrupulously defined. In that respect, it seems appropriate to include the following cases:

- (a) Reaffirmation of the principle that national liberation movements fighting against colonialism, racism, foreign occupation, imperialism and expansionism have the legitimate right to resort to armed struggle in order to achieve self-determination, independence and territorial integrity, to liberate occupied territories and to eliminate the vestiges of racism and colonialist and imperialist domination;
- (b) Reaffirmation of the inherent right of self-defence referred to in Article 51 of the Charter in such a way as to include individual and collective self-defence;
- (c) The distinction between the use of force in international relations and enforcement actions taken under Chapter VII of the Charter.

6. In the view of the Government of the Islamic Republic of Iran, provision ought also to be made for measures aimed at identifying the party responsible for the aggression and establishing suitable machinery for penalizing that party. Similarly, the development of suitable standards for preventing the use of force and the introduction of methods of remedying it would indisputably help to discourage States from resorting to force in their international relations.

7. In the view of the Government of the Islamic Republic of Iran, given the close link between the question of disarmament and that of non-use of force, the international instrument drawn up should also contain appropriate provisions on disarmament in general and nuclear disarmament in particular.

8. The international instrument on the non-use of force in international relations should not contain any clause allowing States to circumvent the peremptory obligation not to use force, on the pretext of treaties or agreements they conclude later, except in the case of enforcement actions taken under Chapter VII of the Charter.

#### VENEZUELA

[Original: Spanish]  
[11 June 1982]

1. Although the principle of the non-use of force in international relations is set forth in Article 2, paragraph 4, of the Charter of the United Nations, it is stated that, "All Members shall 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", and constitutes a tenet of international law recognized by all States, no one is opposed to the further development, consolidation and enhancement of that principle, as has happened in the case of other principles embodied in the Charter, which have subsequently been clarified in international treaties and agreements and in decisions and declarations of the General Assembly. To this end, there is therefore support for the idea that the international community should draft an international legal instrument on the non-use of force in international relations.

2. What is meant by "force" or "threat of the use thereof" must be defined clearly and comprehensively. To this end, the Government of Venezuela is of the view that the use of force in international relations encompasses not merely the use of weapons and military presence, but also other components of the concept of "force", which must be taken into account when attempting to define that term. Accordingly, consideration should be given to the provisions of article 19 of the Charter of the Organization of American States, which states that "No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind."

3. Since it is inadmissible that the international community should allow States, on the basis of their might or other circumstances, to abuse force or to harm either the population or economic structure of other States, provision must be made for the concept that the use of "force" gives rise to international liability. This concept should be developed to the point where it can be effectively implemented.

4. Cases in which the use of force is legitimate must be clearly and minutely defined. Such cases must include the recognition of the legitimate right of all peoples under colonial or racist régimes or other forms of foreign occupation to use whatever means may be available to them, including armed struggle, and to seek and obtain support for the achievement of self-determination, independence and territorial integrity, the liberation of occupied territories, and the elimination of the remnants of racism, colonialism and apartheid; the reaffirmation of the right of all States to defend their unity, territorial integrity, and independence; and the preservation by States, in all circumstances, of their inherent right of self-defence, as enshrined in Article 51 of the Charter of the United Nations.

#### Notes

1/ Pursuant to the decision in paragraph 2 of General Assembly resolution 36/31, the Special Committee met in New York from 29 March to 23 April 1982. For its report, see Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 41 (A/37/41).

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