



SUMMARY RECORD OF THE 15th MEETING

Chairman: Mr. GASTLI (Tunisia)

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AGENDA ITEM 126: 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 10.50 a.m.

ITEM 126: REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS (continued) (A/38/41, A/38/357 and Add.1, A/38/61-S/15549, A/38/106-S/15628, A/38/135-S/15678, A/38/155-S/15699, A/38/325-S/15905, A/38/327-S/15911, A/38/432-S/15992)

1. Mrs. KOLAROVA (Bulgaria) said that in the eight years that had elapsed since the Soviet Union had submitted a proposal concerning the drafting of a world treaty on the non-use of force in international relations the international situation had deteriorated rapidly owing to the policy pursued by certain Western imperialist circles, headed by the United States. The use or threat of force was the very basis of the struggle to achieve military and strategic superiority over the countries of the socialist community and to dominate the world. That situation was particularly dangerous in view of the threat to use military force, particularly nuclear weapons. In that connection, stress should be placed on the undertaking made by the Soviet Union at the second special session devoted to disarmament not to be the first to use nuclear weapons. The international community was still waiting for the other nuclear-weapon Powers to make such an undertaking, which, together with the drafting of a world treaty, would represent a vital step towards enhancing the fundamental principle of non-use of force laid down in the Charter of the United Nations.

2. The political will of States to renounce the policy of using force was a fundamental prerequisite for the positive settlement of the problem in question. The successful conclusion of the meeting of the Conference on Security and Co-operation in Europe, held at Madrid, had shown that the policy of détente was still valid and that common ground for reaching a consensus and achieving co-operation could be found. It was in that context that her delegation saw the series of proposals put forward by the socialist countries, including the proposal made by the Soviet Union that an item entitled "Conclusion of a treaty on the prohibition of the use of force in outer space and from space against the Earth" should be included in the agenda of the thirty-eighth session of the General Assembly and the proposal put forward by the States parties to the Warsaw Pact concerning the conclusion of a treaty on the mutual renunciation of the use of military force and the maintenance of peaceful relations between States members of the Warsaw Pact and NATO.

3. The latter proposal reinforced the draft world treaty proposed by the Soviet Union. It stipulated that States had the obligation not only to maintain peaceful relations but also to develop them further on a mutually advantageous basis, as well as other obligations of a dynamic character, such as the promotion of co-operation in areas vital to the strengthening of international security. The draft treaty required States to make an explicit undertaking to use neither nuclear nor conventional weapons against each other, as well as to make undertakings in respect of third parties. Furthermore, all States would be free to accede to the treaty.

(Mrs. Kolarova, Bulgaria)

4. At its 1983 session, the Special Committee had achieved positive results regarding the preparation of a general framework for future discussion. Her delegation continued to believe that the draft treaty proposed by the Soviet Union provided a solid basis for the work in question but, at the same time, took note of the positive elements of the document prepared by the group of non-aligned countries and the proposal put forward by the Chairman at the Special Committee's 1982 session. Without any doubt, consideration of the various proposals and documents within the framework of the so-called "headings" was a step in the right direction. By focusing all efforts on the drafting of texts, the Special Committee could fulfil the mandate entrusted to it by the General Assembly and also contribute to the further implementation of Article 13 of the Charter of the United Nations.

5. Mr. SAINT-MARTIN (Canada) drew attention once again to the fact that his country was convinced that the draft world treaty on the non-use of force was based on the false assumption that the many instances in which force had been used in recent years had been due to the misinterpretation of the obligations of States under the Charter of the United Nations and international law in general. A possible solution to violations of the obligation assumed under Article 2, paragraph 4, of the Charter would be to conduct an in-depth study of ways of strengthening the existing machinery for maintaining international peace and security, in other words, the Security Council, the role of the Secretary-General, peace-keeping operations, peaceful settlement of disputes, good offices and fact-finding missions.

6. It could be seen from the report of the Special Committee that that Committee was still debating the three main approaches to its mandate. The third approach seemed to reflect the greatest conflicts to which the draft treaty in question had given rise. The elements of the second approach, which his delegation unreservedly supported, were set forth, inter alia, in paragraph 33 of the report. With regard to the first approach, the serious contradictions between the views of the delegation that had prepared the draft and those of the delegations that supported it could be seen from a comparison of the statements that were reflected in paragraphs 16 and 19 of the report.

7. Moreover, although it was certainly laudable to seek to prolong the existence of mankind, it was not acceptable to make much of the threat of a nuclear holocaust while relegating to a level of secondary importance the numerous instances involving the use of so-called conventional or classical force. In other words, the decision as to whether the use of force in international relations was reprehensible or not should not depend on the type of weapons used.

8. His delegation wished to point out that the author of the draft treaty was itself drawn to the use of force. In the night of 31 August/1 September a Soviet Armed Forces aircraft had shot down a Boeing 747 belonging to the airline of the Republic of Korea, killing 269 persons, ten of whom had been Canadian citizens. There was no justification for the use of armed force against a civil aircraft. The act in question was entirely reprehensible from the point of view of

(Mr. Saint-Martin, Canada)

international law. The Government of the Soviet Union must assume total responsibility for the consequences of the use of armed force against a civil aircraft, and the Government of Canada expected the Soviet Union to respond without delay to the various compensation requests submitted.

9. The events in Afghanistan were not altogether in keeping with the prohibition of the use of force against the territorial integrity or political independence of States, laid down in Article 2, paragraph 4, of the Charter, which was recognized in paragraph 19 of the report as a jus cogens norm. The tragedy that had taken place on 1 September was justified, according to those responsible for it, by the strict implementation of a rule of domestic law giving priority to the defence of territorial integrity. However, the jus cogens norm that had been defended with so much zeal by the author of the draft must be seen through the distorting prism of national interest.

10. In the past his delegation had posed two specific questions, which were still awaiting replies, concerning the draft treaty proposed by the Soviet Union, with respect to the scope of the latter part of article III and the selectivity of article II regarding means for the peaceful settlement of disputes. The incident that had taken place on 1 September prompted two more questions, this time concerning the second sentence of article I, paragraph 1, and paragraph 3 of that same article and the real meaning of article V.

11. In the light of the general debate, his delegation wished to formulate some conclusions. First of all, the debate had confirmed Canada's fears that the draft treaty proposed by the Soviet Union was contrary to the principles of the Charter of the United Nations. Secondly, approval of that treaty would be tantamount to condoning attitudes, gestures or actions which were not in keeping with obligations undertaken under the Charter. Lastly, any State that resorted again to the use of force could claim as justification that its new mandate came from the new specifications of the principles contained in the Charter. That last conclusion was very pertinent in view of the statement made at Madrid by the Minister for Foreign Affairs of the Soviet Union.

12. With regard to the work of the Working Group and the future prospects of the Special Committee, he said that the flexibility shown with regard to the choice of procedure revealed a desire to utilize the available framework to advance the work of the Committee.

13. His delegation found the consideration of the seven "headings" interesting but believed that there was a risk that the participating delegations would again utilize the arguments put forward during the general debate. Consideration of the non-use of force demonstrated that what was needed was not simply a concentrating on nuclear weapons at the expense of considering the utilization of so-called conventional weapons. It was necessary to study the causes of disputes, identify them from the outset and submit them to the various methods of peaceful settlement provided for in the Charter.

(Mr. Saint-Martin, Canada)

14. A recognition that the machinery of the Charter should be utilized and even improved would in itself be a contribution to clarifying the debate, since it was impossible to consider enhancing the effectiveness of the principle of non-use of force if that principle was isolated from the other relevant provisions of the Charter for the maintenance of international peace and security.

15. His delegation believed that the time had come to re-examine the mandate of the Special Committee in order to consider the desirability of moving away from the idea of a world treaty and expanding the Special Committee's mandate in order that it might devote itself to reflection that would be more fruitful and promising.

16. Mr. AENA (Iraq) said that the Special Committee had a very clear mandate, granted to it under paragraph 3 of General Assembly resolution 37/105. After several years of a difficult dialogue, it was a good idea to make new efforts concerning the legal aspects and to leave aside the political and controversial questions, since that was the only way to get successful work done. Although his delegation did not favour holding a general debate, it accepted the idea of a debate based on what had been approved by the Special Committee. His delegation and those of the Non-Aligned Movement were willing to consider the document prepared by Ambassador El-Araby, but it was regrettable that some countries had not changed their earlier position.

17. His delegation supported the idea that the Special Committee should adopt a method of work similar to the one used, for example, by the Special Committee on the Charter or the Committee responsible for preparing the Manila Declaration on the Peaceful Settlement of International Disputes; however, the Special Committee should be very specific and give a detailed exposition of the reasons for the non-use of force in international relations.

18. A single working document would facilitate the work of the Sixth Committee and would take account of the different proposals made on the basis of the "headings" presented by Ambassador El-Araby. Such a document would help to rationalize the work, avoid expense and waste of time and be consistent with the General Assembly resolution. At the same time, the question of the form of the future document should be put aside. The adoption of the future instrument was merely a means, since ultimately everything depended on the political will of States not to use force.

19. The work of the Special Committee was not redundant and would improve the provisions of the Charter. Efforts to give a detailed exposition of this question were consistent with other documents relating to the provisions of the Charter, such as the Definition of Aggression (A/RES/3314 (XXIX)) and the Manila Declaration on the Peaceful Settlement of International Disputes (A/RES/37/10), as well as with the progressive development of international law.

20. It was useful to give a definition of force and of the use of force, including the right of self-defence, in conformity with the provisions of Chapter VII of the Charter, and the right of peoples to struggle against colonialism. However,

(Mr. Aena, Iraq)

questions of procedure should be left to a working group for discussion at a later stage, since taking them up at the same time with the substantive questions would create difficulties. An analysis of the elements could be carried out subsequently.

21. His delegation firmly opposed the idea of considering specific cases of the use of force, owing to the difficulty of establishing criteria for selecting them.

22. With regard to the "headings" proposed by Ambassador El-Araby, his delegation had already communicated its comments to the Working Group, but it wished to express its concern at the tendency towards suggesting new "headings", which reflected a different method from the one utilized by Ambassador El-Araby. It must be understood that the work was now at a preliminary stage and that progress should be made towards a general agreement on guidelines. But even though that general agreement might not be reached, there was a conviction that data on the use and non-use of force were needed. To propose new "headings" did not help the Special Committee carry out its mandate, the renewal of which was favoured by his delegation.

23. Mr. DE STOOP (Australia) said that the principle of the non-use of force in international relations was the basis not only of the Charter and of international law, but also of civilized conduct between nations. It was regrettable that a subject of such importance had been undermined by sterile and polemical debate in the Sixth Committee and in the Special Committee. Cynicism had replaced hope, as more and more States were resorting to force and justifying their actions with manifestly spurious arguments.

24. The essential issue was whether the United Nations should elaborate new legal instruments on the non-use of force or try to improve existing methods for the containment of force. Under General Assembly resolution 37/105, the mandate of the Special Committee was to draft a world treaty on the non-use of force in international relations or to make such other recommendations as it deemed appropriate. The countries advocating the elaboration of a world treaty asserted that the treaty would promote new and more dependable guarantees of international security. However, the Charter already spelled out comprehensively and clearly the fundamental obligation of Member States to refrain from the threat or use of force. Moreover, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations already contained a whole section on the principle of non-use of force. History demonstrated that the use of force did not stem from the existence of any gaps in the law but from a lack of political will on the part of States to abide by their obligations under the Charter and international law.

25. A treaty on non-use of force would either be limited to faithfully repeating the wording of the Charter, in which case it would be unnecessary, or would restrict the scope of Article 2, paragraph 4 and, by singling out one specific principle and omitting the duty of Members to settle their disputes peacefully, the collective security system and the right of self-defence, would destabilize the careful balances established by the Charter.

(Mr. De Stoop, Australia)

26. It had been said that the principles embodied in the Charter had served as a basis for the conclusion of international treaties in the fields of disarmament and human rights. However, the Charter did not establish substantive obligations on those subjects, but rather contemplated future action on them; an example of that was Article 56 of the Charter. In contrast, the content of the obligation of non-use of force was spelt out in the Charter.

27. The initiative on non-use of force came from a country that had demonstrated little respect for the principle in practice; the most recent example had occurred a few weeks previously, when a Soviet fighter had brutally terminated the flight of a Korean aircraft and the lives of 269 innocent passengers. International law and the International Civil Aviation Organization, of which the Soviet Union was a member, prohibited the use of force in relation to civilian aircraft even in cases where such aircraft strayed over national boundaries. The Soviet action was out of proportion to any perceived threat. Four Australian citizens had been killed in the Korean airline tragedy. His delegation called on the Soviet Union to offer compensation to those affected by the tragedy.

28. Some countries wanted to define "force" very broadly. Their idea, as reflected in paragraph 54 of the report, was that the definition should cover not only the concept of physical force but also all forms of coercion, whether military, political, economic or other. Acceptance of such a proposal would mean a shift from objective and traditional criteria of international law for defining force to very subjective and intangible criteria. It would mean that non-military coercion could be countered by armed force in the exercise of self-defence, which would seriously impair the principle of proportionality in an important area of international law.

29. With regard to the seven "headings" in the informal paper submitted by Mr. El-Araby, beginning with heading A, there was merit in the proposal that an analysis should be made of specific cases where force had been used; that would help to determine what practical steps needed to be taken under the machinery provided by the Charter to prevent the use of force in the future. The Repertory of Practice of United Nations Organs would be a useful source of reference. Heading B referred to a well-established norm of international law, and it was doubtful whether there was any point in including it in its present form. Heading C was ambiguous. Heading D opened the door to the creation of new exceptions to the principle of non-use of force; the words "in accordance with the Charter of the United Nations" should therefore be added at the end of that heading or, alternatively, the heading should be deleted and the subject studied under heading B. Headings E and F needed to be closely studied by the Special Committee, since, together with the prohibition of the use of force, they provided the basic apparatus under the Charter for the maintenance of international peace and security. Heading G did not fall within the purview of the Special Committee.

30. The Special Committee should concentrate on machinery, rather than trying to prepare new legal instruments. It was necessary to encourage the Secretary-General to make greater use of his powers under Article 99 of the Charter; it would also be

(Mr. De Stoop, Australia)

profitable to look for new ways of enhancing the fact-finding role of the Secretary-General and the Security Council, encourage parties to a dispute to bring it before the Security Council at an early stage and improve the functioning of peace-keeping operations.

31. As the Secretary-General had pointed out in his report on the work of the Organization (A/38/1), it was the weakening of the commitment of Members of the United Nations to co-operate within the framework of the Organization in dealing with threats to international peace and security that had, perhaps more than any other factor, led to the partial paralysis of the United Nations as the guardian of international peace and security. His delegation believed that the Special Committee should pay special attention to the links between non-use of force, the peaceful settlement of disputes and the collective security system provided under the Charter, and it therefore supported the widening of the mandate of the Special Committee.

32. Mr. YIMER (Ethiopia) said it was regrettable that the Special Committee was nowhere near completing its mandate, especially at a time when use of force was becoming more and more an instrument of national policy. The difficulty in which the Special Committee found itself did not stem from any controversy over the peremptory nature of the principle of non-use of force in international relations. That principle, which was reflected in Article 2, paragraph 4, of the Charter, was the corner-stone of the international system established after the Second World War and was enunciated in nearly every major international instrument, resolution or declaration adopted within or outside the United Nations. In contrast to the pre-Charter era, the right of States to use force was limited to the inherent right of individual or collective self-defence as set forth in Article 51 of the Charter.

33. Some States maintained that the conclusion of a world treaty on the non-use of force would be consistent with the international practice of drawing up treaties and agreements aimed at putting into practice the principles of the Charter and establishing specific obligations based on those principles. Other States were opposed to the idea of a treaty, arguing that such a treaty would undermine the Charter principle on non-use of force. It was difficult to see how a world treaty on the non-use of force could weaken the already existing Charter principle. On the contrary, the elaboration of a treaty would considerably strengthen that principle. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, from weakening the principles of the Charter, had reinforced them.

34. Today, more than ever, international peace and security were seriously threatened; the principle of non-use of force in international relations was violated with impunity. The Secretary-General, in his annual report to the General Assembly at its current session, had said that the basic issue continued to be the development of, and commitment to, a working system of international sovereignty, as an essential complement to progress in disarmament and arms limitation. In that context, the work of the Special Committee assumed even greater significance.

(Mr. Yimer, Ethiopia)

35. The approach adopted by the Special Committee at its recent session, in accordance with General Assembly resolution 37/105, was encouraging. The examination of the seven "headings" was a first step towards elaboration of the formulas of the working paper, which in turn would constitute significant progress towards the achievement of an international instrument on the principle of non-use of force in international relations. It was to be hoped that the Special Committee would exert maximum effort in the direction of elaborating the working paper and laying the groundwork for an international treaty and would devote less time to a general debate which had become repetitious and pointless.

36. Mr. GHARBI (Morocco) said that, in his view, the task entrusted to the Special Committee for the past seven years went to the heart of the mandate of all organs of the United Nations. The peremptory principle set forth in Article 2, paragraph 4, of the Charter was the corner-stone of the entire international legal order created under the aegis of the United Nations. The harsh truth was that the ground rules which maintained a minimum balance in international relations were external to the Charter system, instead of being based on it. That regression in international affairs had started in 1946, when declared war had been replaced by cold war. The collective system for the maintenance of international peace and security was in danger of becoming a dead letter.

37. Violation of the principle of non-use of force was not always overt; a subtle innovation was clandestine warfare. Even more disquieting was the fact that not even open warfare triggered the alarm system envisaged in the Charter. Paradoxically, the basic safeguard of international security on a world scale was perceived to be the prospect of the use of nuclear weapons and the balance of terror. The consequence was the shifting of conflicts and tensions towards the periphery of the military blocs. It was as if there were an agreement to exclude the third world from the policy of coexistence and détente, making it the battlefield on which the future world-wide balance of forces would be decided, or as if the logic of terror could induce States to resign themselves to accepting third-world war as a substitute for a third world war.

38. Moreover, objective fact-finding in any situation of violence on the international scene was consistently hampered by preconceived partisan notions. In such conditions of political and legal obfuscation, it was hardly surprising that the Special Committee had been unable to achieve a dialectic approach which would have enabled it to work on a common programme.

39. In the view of his delegation, the Special Committee's method of work must be reappraised and improved. It must be acknowledged that the results achieved over the previous six years had been meagre and that the last session had been no exception, since the same differences continued to exist with regard to both the scope of the Committee's mandate and the future direction of its work.

40. During the Working Group's consideration of "heading" A of the paper submitted by Mr. El-Araby, a proposal had been made for a case-by-case study of specific manifestations of force, an analysis of the forms it took and a study of the

(Mr. Gharbi, Morocco)

reasons advanced by States to justify use of force. Such an approach risked adding a fresh element of controversy when attempts were made to determine the criteria for selecting cases to be studied and the validity of reasons advanced to justify the use of force. That heading should cover only an analysis of the external signs of force in contemporary international relations.

41. The Special Committee should give special attention to the principle dealt with under "heading" D, in order to determine both its content and the circumstances and limits of its exercise. At a time when there was talk of preventive self-defence, the proposal that the Special Committee should refrain from studying exceptions to the principle of non-use of force was incomprehensible. The sensitivity of the issues involved in connection with the right of self-defence must not prevent the Committee from carefully defining that right.

42. The interaction between the principle of non-use of force and the principle of peaceful settlement of disputes had frequently been stressed, but little attention had been given to how those two interrelated rules of international law should be implemented, and in particular to the risk of vitiating the two complementary principles. Only if the General Assembly established objective criteria to ensure faithful and uniform interpretation of the principles of the Charter could the Organization enhance its effectiveness in peace-keeping, that being the area where most doubts and misunderstandings existed. He reiterated his delegation's statement on the subject at the preceding session.

43. The Sixth Committee, in carrying out its weighty and noble task, had always remained true to the demanding criteria of the jurist. However, in the matter of enhancing the effectiveness of the principle of non-use of force, real progress was to be sought rather in the reality of international affairs as such. The aim being to improve international relations and give fresh encouragement to the world institutions responsible for the maintenance of peace and security, deeds must take precedence over drafting.

44. Mr. KULAWIEC (Czechoslovakia) said that, at a time when some States hoped to achieve military superiority in order to secure their "leadership role" in international affairs, and when certain States went so far as to include in their domestic policies the doctrine of confidence in victory in case of armed conflict, even nuclear war, all peace-loving forces must avail themselves of every opportunity and every means to halt that dangerous course and to create the best possible conditions for the development of relations of friendship and fruitful co-operation among States, irrespective of their socio-economic systems, in full conformity with the principles of international law, particularly those set forth in the Charter.

45. His delegation was convinced that the speediest possible elaboration and conclusion of a world treaty on the non-use of force in international relations, pursuant to the Soviet Union's initiative, would enable the rights and duties of States to be more precisely defined and the principle to be more exactly interpreted and applied. The treaty, by establishing an undertaking not to be the

(Mr. Kulawiec, Czechoslovakia)

first to use nuclear weapons, would create a fundamental legal framework for the prevention of a nuclear war, while contributing significantly to the enhancement of the effectiveness of the peremptory norm set forth in Article 2, paragraph 4, of the Charter.

46. The proposal contained in the political declaration adopted by the Political Consultative Committee of States Parties to the Warsaw Pact, which was mentioned in the Special Committee's report, showed that those States sincerely desired to eliminate the danger of armed conflict between the members of the Warsaw Pact and the members of NATO. It should be noted in that connection that the NATO countries, to which the proposal had been directed, had so far made no official response. The conclusion of the treaty proposed in the political declaration would unquestionably contribute to an improvement in the international climate and would be a first step towards the dissolution of the two political and military blocs in question, a goal which the States parties to the Warsaw Pact untiringly pursued.

47. Like other previous speakers, he attached the greatest importance to the Soviet Union's initiative aimed at the conclusion of a world treaty on the non-use of force in international relations. However, some delegations were trying to cast doubt on the sincere aspirations of the Soviet Union for the strengthening of international peace and security, to divert the Sixth Committee from constructive debate and to create a climate of mistrust in relations among States. The therefore deemed it necessary to emphasize the fact that the Soviet Union was the only nuclear Power to have made a unilateral commitment not to be the first to use nuclear weapons - an example that should be copied by all the other nuclear-weapon Powers.

48. Czechoslovakia also welcomed the other new proposals made by the Soviet Union to remove the threat of a world nuclear catastrophe, such as the proposals concerning the draft treaty on the prohibition of the use of force in and from outer space against the earth and the draft declaration on the condemnation of nuclear war. The sincere acceptance by other nuclear Powers of those proposals would represent a positive step towards improving the international situation.

49. The Special Committee's working methods were constructive, particularly the consideration of the problem under different "headings". Nevertheless, those working methods should not be used as a pretext for discussing questions which went beyond the mandate of the Special Committee and fell exclusively within the competence of the Security Council under Article 34 of the Charter. In discussing the various "headings", the Special Committee should focus its attention on the legal aspects of the problem. The working methods which had been chosen certainly enabled it to give due consideration both to the draft World Treaty and to other constructive proposals. Since it had still been unable to conclude its work and since the overwhelming majority of States considered that work extremely important, his delegation supported the renewal of its mandate in the spirit of General Assembly resolution 37/105.

50. Mr. SOMOGYI (Hungary) drew attention, in assessing the usefulness and significance of the Special Committee's work, to the regrettable tendency towards increased international tension in recent years. Like many other European States, Hungary was concerned at the planned deployment of new American nuclear weapons in Western Europe. His Government was also concerned at the policy of certain extremist circles, which had an adverse effect on the positive efforts undertaken in many fields, impeded attempts to eliminate hotbeds of tension, created new tensions and aggravated existing ones. It was enough to cite the increasing number of aggressive and provocative acts against the progressive countries of Central America and the Caribbean.

51. The main objective of his Government's foreign policy was still to do its utmost to help maintain peace, improve the international situation, strengthen international security, and promote friendship and co-operation among States and peoples. Every opportunity must be taken in the United Nations to find constructive solutions to the problems which impeded progress towards the development and expansion of international co-operation.

52. The Soviet initiative regarding the conclusion of a world treaty on the non-use of force in international relations was more timely than ever. The historical significance of the Soviet Union's commitment not to be the first to use nuclear weapons should also be emphasized. A similar commitment by all the nuclear Powers would virtually rule out any possibility of using such weapons of mass destruction.

53. As a member of the Warsaw Treaty Organization, Hungary had actively contributed to the proposals and initiatives designed to preserve détente, halt the arms race and continue the policy of peaceful coexistence between States with different social systems. The Prague Declaration contained many ideas and proposals for the promotion of international peace and security, including the proposal to conclude a treaty on the mutual renunciation of the use of military force and on the maintenance of peaceful relations between the members of the Warsaw Treaty Organization and the members of NATO.

54. During the general debate at the 1983 session of the Special Committee, certain Western countries had attempted to turn that body into a forum for cold war confrontation. His delegation remained convinced that the view that the elaboration and adoption of a treaty on the non-use of force would weaken or revise the relevant provisions of the Charter was without foundation and ignored the practice of the United Nations over almost four decades in the codification and progressive development of international law.

55. On the other hand, the proposal submitted by Chairman Garvalov on the work of the Working Group should be considered as an important element of the session. That proposal provided an appropriate framework for discussion, which would lead the Special Committee towards the elaboration of the elements of the principle of non-use of force in international relations, in accordance with paragraph 3 of General Assembly resolution 37/105. His delegation fully supported the renewal of the mandate of the Special Committee and was prepared to participate in its future work in a constructive spirit.

56. Mr. DIA (Senegal) said that the principle of non-use of force in international relations was of fundamental importance for the survival of mankind during the very critical period in which the international community found itself. That position had been stated by the Minister for Foreign Affairs of Senegal in his address to the General Assembly on 6 October 1983. The effort to enhance the effectiveness of that principle through legal instruments in treaty form could be successful only if States, particularly the great Powers, translated their statements of intention into actual behaviour at the international level and renounced their excessively broad vision of national security. The principle of non-use of force in international relations was a norm of jus cogens from which there could be no derogation.

57. His delegation would support any legal document of a binding nature which could be elaborated in that field. Such an instrument should define the concept of force in the broad sense, including not only physical force, but also any form of military, political, economic or other coercion. It should include an unconditional prohibition of the use of both nuclear and conventional weapons, as well as the indirect uses of force, such as the organization and sending of armed bands into the territory of other States, participation in civil disturbances or interference in the internal affairs of other States, and destabilization of legitimate Governments. Lastly, such an instrument should regulate the legitimate use of force in cases such as self-defence, coercive action taken in accordance with the provisions of Chapter VII of the Charter, and the right of peoples to combat colonialism, foreign domination and occupation, racial discrimination and apartheid.

58. His delegation supported the working paper submitted by the non-aligned countries and the paper prepared by Ambassador El-Araby, since they were commendable efforts to formulate the elements which the legal instrument under consideration could contain. Senegal also welcomed the working paper prepared by a group of Western countries and the draft World Treaty submitted by the Soviet Union.

59. His delegation applauded the decision adopted by consensus by the Working Group to approve the proposal concerning the consideration of the "headings" contained in Ambassador El-Araby's paper. Since the Special Committee had not concluded its work, his delegation supported the renewal of its mandate.

The meeting rose at 1.20 p.m.