

United Nations

GENERAL
ASSEMBLY

THIRTY-EIGHTH SESSION

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SIXTH COMMITTEE
16th meeting
held on
Monday, 17 October 1983
at 10.30 a.m.
New York

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SUMMARY RECORD OF THE 16th 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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Distr. GENERAL
A/C.6/38/SR.16
7 November 1983
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 10.45 a.m.

AGENDA 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/38/61-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/38/357 and Add.1, A/38/432-S/15592)

1. Mr. HAYASHI (Japan) said that the Special Committee had once again failed to produce concrete results, the principal reason being that the Soviet Union and certain other members continued to insist that the Committee's primary task was the drafting of a world treaty on the non-use of force in international relations, a position strongly opposed by other members which seriously doubted the wisdom of drafting such a treaty because, as his delegation had stressed, the non-use of force in international relations was one of the cardinal principles of contemporary international law and was enshrined, in an explicit and unequivocal manner, in Article 2, paragraph 4, of the Charter of the United Nations. In addition, if the proposed treaty provided for obligations which differed from those contained in the Charter, complex legal problems would arise out of any discrepancy between the obligations of the Charter and those contained in the treaty.

2. His Government had expressed grave doubts when the Soviet Union had proposed the item several years previously, and its initial position remained unchanged. Those doubts had become even more profound when the Soviet Union had intervened with its armed forces in Afghanistan in 1979 and when Soviet military aircraft had recently shot down an unarmed and defenceless South Korean civil aircraft, in flagrant violation of the very principle of non-use of force.

3. Japan had, in its Constitution, renounced for ever the use of force as a means for settling international disputes, and that principle lay at the foundation of its foreign policy. It had thus steadfastly maintained its opposition to the use of force for any purpose that was contrary to the Charter of the United Nations and, while it was ready to consider any serious proposal for enhancing the effectiveness of the principle, it could not discern any usefulness in the proposal to draft a new treaty on the subject.

4. At past sessions of the General Assembly, his Government, together with a number of others, had voted against the renewal of the Special Committee's mandate because of its view that the mandate was strongly biased towards the drafting of a world treaty. So long as the Special Committee's mandate was of the present nature, the gap which divided its members would not be bridged and progress could not be anticipated. His delegation was therefore of the view that one of the prerequisites for the Special Committee's work was the redirection of its mandate towards goals other than the drafting of a treaty.

5. His Government maintained that one way to enhance the effectiveness of the principle of non-use of force was to examine and implement specific measures for strengthening the principle of peaceful settlement of disputes. If effective mechanisms were available, disputes could be settled by the parties without their

(Mr. Hayashi, Japan)

the principle of non-use of force. There were a number of possibilities, including a broadening of the Secretary-General's role, the strengthening of the fact-finding capacity of United Nations bodies and the improvement of peace-keeping operations.

6. In his latest annual report on the work of the Organization, the Secretary-General pointed out that the basic idea of the Charter was to develop in practice a system for international peace and security designed to supersede arms races and military and other forms of conflict, and that the main objective of the Security Council should be to develop an effective common approach to potential threats to international peace and security, to assist and, if necessary, to put pressure on the conflicting parties to resolve their differences justly and by peaceful means. Should the Assembly renew the mandate of the Special Committee, his delegation believed that it would be extremely important for the Special Committee to review its work from the perspective which the Secretary-General had stressed.

7. Mr. FERRARI-BRAVO (Italy) said his position was that there was no need for a new treaty reaffirming the already binding principle of non-use of force in international relations. What was needed was agreement upon practical measures which could be useful in reinforcing the effectiveness of existing rules. His delegation did not, therefore, share the approach of those who advocated the drafting of a treaty. In order to curb the increasing tendency to resort to force, all that was needed was enforcement of the rules of the Charter and of Security Council resolutions, and that called for a system of preventive and confidence-building measures, accompanied by enhancement of the ability of competent United Nations organs to take effective and rapid measures to deal with international crises that might lead to violence.

8. It was regrettable that the failure of the proponents of the item under discussion to understand that simple truth had led the Special Committee to a total deadlock. If there was a wish to reconvene the Special Committee, then the proponents of the item should take the initiative for a substantial change of its mandate, taking into account the need to place on an equal footing all the possible approaches to the problem of enhancing the effectiveness of the principle of non-use of force in international relations.

9. The Special Committee should bear in mind the need for preserving a careful balance between the principle of non-use of force and the principle of peaceful settlement of international disputes. Moreover, room should be left for discussion of all issues which were related to the prohibition of use of force; in that connection, he had noted with interest the statement by the Chinese delegation pointing to the need to study the roots of resort to force. That was quite consistent with his delegation's approach and with the document submitted by five Western European countries. Certainly one of those "roots" was the total disregard by Governments of human rights. He hoped that the position of the Special Committee would be reconsidered, on the occasion of the drafting of a resolution, in the light of his remarks.

10. Mr. EDON (Benin) said that the Special Committee's mandate to draft a world treaty was of continuing relevance in view of the fact that, despite the provisions of Article 2, paragraph 4, of the United Nations Charter, the use of force in international relations had assumed alarming proportions, as evidenced by the many conflicts that had occurred between 1945 and 1982, the great majority of them in developing countries.

11. The last four years had produced a dismal crop of tragic events, including the Israeli invasion of Lebanon, the war between Iran and Iraq, the tense situation in Central America, the repeated attacks by the racist régime of South Africa on the front-line States, tensions in Asia and the use of mercenaries to destabilize popular régimes.

12. The use of military, and sometimes economic, force in relations between States, the arms race and acts of aggression against peace-loving countries were sound reasons for renewing the mandate of the Special Committee.

13. The Special Committee's report (A/38/41) revealed that it had not been able to perform the task entrusted to it by the General Assembly in paragraph 3 of resolution 37/105, mainly because too much time had been devoted to the general debate, which had unnecessarily delayed the substantive work.

14. The report highlighted two main approaches which had emerged during the debate: one defended by the countries which believed it necessary to draft a world treaty, in accordance with the mandate given by the Assembly, and one advocated by the countries which considered that such an instrument would be unnecessary and superfluous, since relevant provisions already existed in the Charter of the United Nations.

15. The delegation of Benin was of the opinion that the drafting of a world treaty would strengthen the Charter and permit exhaustive consideration of the various aspects of the provisions of Article 2, paragraph 4, by emphasizing the importance of a general prohibition of the use of force and formally establishing the inadmissibility of the use of weapons of any type; for that reason, it favoured the elaboration of a treaty containing the various elements enumerated in paragraph 54 of the report (A/38/41).

16. With regard to the report of the Working Group, his delegation expressed support for the informal paper of Ambassador El-Araby, which contained several "headings". Particular reference should be made to "heading" C, to "heading" D, which should be included in a treaty because the peoples under colonial domination and the national liberation movements fighting for the right to self-determination were obliged to resort to armed struggle in order to recover their inalienable rights, and to "heading" E, which would meet the concern of delegations that had pointed to certain shortcomings in the Manila Declaration with regard to practical methods for the peaceful settlement of disputes.

17. The delegation of Benin proposed that the Special Committee's mandate be renewed and that the General Assembly place emphasis on that mandate. For the sake

(Mr. Edon, Benin)

of efficiency, the Special Committee should forgo a general debate at its next session and an appeal should be made to delegations to explore the basic legal aspects of the topic.

18. Mr. KHAN (Pakistan) said that the efforts made in the Special Committee to enhance the effectiveness of the principle of non-use of force in international relations could be classified as follows: some States advocated the drafting of a world treaty on the non-use of force in international relations; others felt that the drafting of a treaty would be counter-productive and proposed the adoption of realistic measures to improve the situation; some delegations had considered the possibility of drafting a declaration with practical recommendations intended to enhance the effectiveness of the principle of non-use of force and of other related principles of the Charter, particularly the principle of peaceful settlement of disputes.

19. In the opinion of the delegation of Pakistan, the principle of non-use of force was adequately enunciated in the provisions of Article 2, paragraphs 3 and 4, of the Charter. The principle had been reaffirmed in other international instruments - in particular the Manila Declaration on the Peaceful Settlement of International Disputes (General Assembly resolution 37/10).

20. The fundamental problem confronting the world at that time was the military and economic inequality of States, which led to the use of force. Any attempt to elaborate a treaty or declaration outlawing the use of force would be ineffective unless that basic inequality was removed. What mattered was the political will of States to desist from the use of force.

21. Nevertheless, if an international instrument outlawing the use of force was to be adopted, it should seek to secure full compliance by all States with the principles of the Charter and with the decisions of the United Nations and should include provisions relating to the obligatory and peaceful settlement of disputes, as well as referring to non-interference in the internal affairs of States and to the commitment of Member States to transform the existing unequal international relationships and create a just world order. Those provisions would be without prejudice to the realization of the legitimate rights of peoples, including their inherent right of self-defence as laid down in Article 51 of the Charter.

22. His delegation endorsed the suggestions made in paragraph 41 of the Special Committee's report. They included suggestions that the Secretary-General make greater use of his powers under Article 99 of the Charter, that the Secretary-General and the Security Council increase fact-finding activities, and that the functioning of the peace-keeping operations be improved. As the beneficiary of one of the oldest United Nations peace-keeping operations - the United Nations Military Observer Group in India and Pakistan, his country had reason to believe that such operations were an important element in enhancing the effectiveness of the principle of non-use of force.

(Mr. Khan, Pakistan)

23. With reference to the "headings" contained in the informal paper submitted by Ambassador El-Araby, and first of all to "heading" A, he said that it was imperative for any international instrument prohibiting the use of a certain act to define that act at the very outset. The proposal to carry out a study covering manifestations, different forms and justification of use of force would divert attention from the essential elements of the principle in question. "Heading" B, concerning the general prohibition of the threat or use of force, was the central element of any international instrument on the subject, together with "Heading" C envisaging the imposition of sanctions. His delegation agreed with the basic parameters of "heading" D, which recognized the inherent right of self-defence guaranteed in Article 51 of the Charter, although it was important to ensure that that right was not abused through unilateral interpretations contrary to the spirit of the Charter. "Heading" E could draw on the Manila Declaration on the Peaceful Settlement of International Disputes. With regard to "heading" F, his delegation favoured a more effective role for the United Nations in ensuring the enhancement of the principle of non-use of force. Pakistan had consistently worked for the achievement of general and complete disarmament and, with reference to "heading" G, endorsed the contents of paragraph 131 of the report. In order to promote the application of the principle of non-use of force, all possible measures should be adopted to halt the arms race.

24. Mr. SCHRICKE (France) noted that one of the fundamental principles enshrined in the Charter was the principles outlawing the use of force in international relations. The authors of the Charter had included in the same Article the principle of the peaceful settlement of disputes, which was an inseparable corollary of the principle of non-use of force, and had established a system of collective security which conferred on the Security Council primary responsibility for the maintenance of international peace and security. Lastly, the authors of the Charter had reserved the natural right of individual and collective self-defence, which was also inseparable from the principle of non-use of force.

25. His delegation was opposed to the drafting of a world treaty on the non-use of force. The principle of non-use of force was enunciated clearly and precisely in Article 2, paragraph 4, of the Charter, and Article 103 specified that the Charter took precedence over other treaties. A new legal instrument would inevitably modify and weaken the Charter, disturbing the balance existing, firstly, between the various principles involved and, secondly, between those principles and the procedures, means and machinery designed to ensure that they were respected. If it were merely to reproduce the terms used in the Charter, such an instrument would be devoid of legal interest and would cast doubt on the value of the obligations assumed under the Charter.

26. The Special Committee could make a useful contribution by studying realistically the appropriate means of enhancing the effectiveness of the principle of non-use of force, without attempting to complete or modify it. To that end, the proposals submitted in 1982 by Ambassador El-Araby had made it possible for the Working Group of the Special Committee to make some progress in its work, although, generally speaking, the Special Committee had not been able to make substantive headway during six sessions, owing to the lack of flexibility of its mandate, which was oriented exclusively towards the elaboration of a world treaty.

(Mr. Schricke, France)

27. His delegation was prepared to participate constructively in the consideration of appropriate means for achieving the enhancement of the effectiveness of the principle of non-use of force in international relations and had shown that by presenting, in 1979, jointly with the delegations of the Federal Republic of Germany, Belgium, Italy and the United Kingdom, methodological and substantive proposals relating principally to the peaceful settlement of disputes. Like the delegation of China, the delegation of France considered that the Special Committee should study the motives which impelled States to resort to the use of force, in order to deduce the appropriate means for enhancing the machinery for the peaceful settlement of disputes. The Manila Declaration was one stage. The Special Committee should study the function which the Organization might play, having regard to the work done by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

28. Various delegations, particularly those of non-aligned countries, had submitted proposals which might also be studied. In considering those proposals, the Special Committee should bear in mind the provisions of the Charter and the resolutions of the General Assembly adopted by consensus, such as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the Definition of Aggression.

29. In conclusion he denounced the excessive number of manifestations of the illegitimate use of force and cited by way of example the downing of a South Korean civilian airliner by a Soviet military aircraft of which had aroused general indignation. France condemned that inadmissible act and had already submitted to ICAO concrete proposals designed to avoid its repetition.

30. Mr. LAMAMRA (Algeria) said that the disappointments experienced by the Special Committee over the past six years were due less to basic legal objections than to the lack of political will. The Special Committee had been drawn into an atmosphere of confrontation, which was reflected on practically every page of its successive reports. That polemical character had even emerged in the debates of the Sixth Committee, where the members of some delegations which, in other instances, dogmatically proclaimed the apolitical character of that Committee, were periodically exploiting examples taken from the present or from history.

31. In its New Delhi message, the movement of non-aligned countries had drawn attention to the way to quit the chaotic course on which international life was currently embarked and had exhorted the great Powers to renounce mistrust and to hold sincere negotiations, in good faith, with a view to achieving détente and disarmament, and to try to resolve the economic crisis which threatened the world. The Sixth Conference of Heads of State or Government of Non-Aligned Countries had lent its moral and political support to the elaboration of a treaty on the non-use of force in international relations. That support had been reflected in the written observations submitted by Governments (such as those of Algeria, contained in document A/35/415) and in the statements made by the delegations of the non-aligned countries, both in the Sixth Committee and in other forums. The third

(Mr. Lamamra, Algeria)

world countries members of the Special Committee had also made a methodological suggestion that the question of the form in which the final instrument should be adopted should be temporarily shelved.

32. It was affirmed, basically, that a treaty would be either useless, if it was limited to reproduction of the terms of the Charter, or prejudicial, if it introduced changes in the Charter régime. Such an affirmation was doubly questionable, since, firstly, Article 103 of the Charter established the primacy of that instrument in the international legal order and, secondly, in view of the complex character of the concept of force and the evolutionary and multiform character of its manifestations, there was a need for a whole set of international instruments, based on the principles of the Charter and capable of regulating the reality of a rapidly changing world; such was the meaning of the progressive development of international law mentioned in Article 13 of the Charter.

33. The treaty on the non-use of force in international relations should integrate the ideas and concerns of those countries which had not been present at the time when the Charter of the United Nations had been drawn up and, at the same time, do justice to the peoples of the third world who had won their status as subjects of international law by force of arms. Attempts against the independency and sovereignty of States, including permanent sovereignty over natural resources, should be prohibited, and the desire of States to achieve disarmament should be reflected in serious terms.

34. It was clear that such a treaty would not be a panacea, particularly when one recalled the Security Council's reluctance to apply the provisions of Chapter VII of the Charter. However, the definition and strengthening of the legal, political and moral commitments of States would be a contribution towards combating the evils afflicting the international community. In conclusion, he expressed the hope that the study of the seven "headings" of Ambassador El-Araby's informal paper would lend an impetus to the work of the Special Committee; for the reasons mentioned earlier, his delegation would once again support the renewal of the Special Committee's mandate.

35. Mr. GUERNER (German Democratic Republic) said that the threat of a nuclear war, which would result in the annihilation of mankind, overshadowed the international panorama. The imperialist forces seemed ready to start up a new round of the nuclear arms race, and, with their aggressive policies, which had created international conflicts in all regions of the world, were clearly violating the basic principle of the prohibition of the threat or use of force in international relations.

36. In view of that alarming situation, the United Nations should ensure that the purposes and principles enshrined in the Charter were made universally respected international law.

37. The German Democratic Republic, which had had bitter and direct experience of the sufferings of war, believed that the early elaboration and enforcement of a

(Mr. Guerner, German
Democratic Republic)

world treaty on the non-use of force, prohibiting the use of any types of weapons and including the renunciation by the nuclear-weapons States of the first use of nuclear weapons, would be a first decisive step in overcoming confrontation and strengthening world peace. The Minister for Foreign Affairs of the German Democratic Republic had emphasized that in his statement in the General Assembly on 3 October 1983. In the same spirit, the States Parties to the Warsaw Treaty had recently reiterated to the States members of NATO their proposal, made initially on 5 January 1983, for the conclusion of a treaty on mutual renunciation of the use of military force and the maintenance of peaceful relations between the two blocs. That initiative, if duly supported by all countries, would be of vital importance in the strengthening of the principle of non-use of force in international relations.

38. His delegation attached great importance to the completion of the mandate entrusted to the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, whose report (A/38/41) showed that it had made real progress at its 1983 session and that the overwhelming majority of States unanimously supported its mandate as contained in resolution 37/105. It was worth noting that, despite repeated attempts by a small group of members to turn the Special Committee into a forum for confrontation and to divert attention from its substantive work, it had been able to start elaborating a consolidated compilation of the formulas contained in the draft World Treaty submitted by the Soviet Union and in the working papers. Thus the Special Committee had acted in accordance with its mandate and had laid the foundations for the future elaboration and development of the principle of non-use of force.

39. The approach followed by the Special Committee at its 1983 session in focusing the discussion on the substantive problems related to the enhancement of the effectiveness of the principle of non-use of force was appropriate and should be retained in the future. The most important and urgent task before the Special Committee was to elaborate a world treaty as soon as possible. All attempts to divert it from its substantive work through sterile political polemics or academic discussions should be firmly resisted.

40. The German Democratic Republic called on all States, without exception, to co-operate constructively with the Special Committee in its work and fully supported the renewal of that Committee's mandate.

41. Mr. RAY JHA (Nepal) said that Nepal attached great importance to the principle of non-use of force in international relations, which had been rightly described as the corner-stone upon which the United Nations, the Non-Aligned Movement and international law itself rested. That principle constituted a peremptory norm of international law and should be respected by all States as the only means of preserving world peace. As his delegation had often stated, that very important principle, together with its basic corollary, the principle of peaceful settlement of disputes, could not be disregarded under any circumstances or from any political, legal or other standpoint. Enhancing the effectiveness of the principle

(Mr. Ray Jha, Nepal)

of non-use of force was important to all States, particularly the smaller ones, whose security and very survival depended on the existence and strict observance of clear-cut norms in that area.

42. Despite the efforts by the United Nations to eliminate the use of force as an instrument of international policy, the situation in the real world had not changed much. Most of the cases of the use of force identified at earlier sessions still persisted, and new ones had been added to the list. There had been a gradual breakdown of the international legal order and a growing lack of confidence in the peaceful settlement of disputes and the rule of law. There was every reason to fear that the basic norms of international coexistence were in a state of crisis that could lead to developments with unforeseen consequences. For that reason, Nepal fully supported the warnings given by the Secretary-General in his annual report on the work of the Organization (A/38/1); his urgent appeal for a collective recommitment to the principles of the Charter as a guide in international conduct was timely and necessary.

43. His delegation believed in the increased need for strict adherence to the principles of the Charter. It would support a generally acceptable international instrument to guarantee the full validity of those provisions and, at the same time, establish effective machinery to prevent violations or to avoid their dangerous consequences.

44. The spectre of universal destruction could be averted only through the renunciation of the use of force. His delegation therefore accorded high priority to the work of the Special Committee, which had undoubtedly made progress in fulfilling its mandate. Despite differences of opinion, it was generally recognized within that Committee that enhancing the effectiveness of the principle of non-use of force in international relations was an issue of exceptional importance to all. One positive factor had been the acceptance of the point made by the non-aligned countries that the final decision on the status of the instrument to be prepared should be deferred. His delegation welcomed the Special Committee's decision to hold a discussion on the seven "headings" contained in the informal working paper submitted by Ambassador El-Araby. That step-by-step approach would lead to a consensus on the questions under consideration. The mandate of the Special Committee should be renewed so that it could complete its important work.

45. Mr. KOLOMA (Mozambique) noted that the contemporary international situation was characterized by increasing political tension as reflected in the frantic arms race and the proliferation of conflicts in various parts of the world. He denounced the neo-colonialist policies of imperialism aimed at perpetuating the exploitation of the natural resources of the former colonies, thus preventing the newly independent countries from complementing political independence with economic independence. In pursuit of those goals, the imperialist forces did not hesitate to use force in flagrant violation of the fundamental principles embodied in the United Nations Charter.

(Mr. Koloma, Mozambique)

46. The developing countries were suffering the effects of the unprecedented economic crisis that was affecting the capitalist world. The gap between rich countries and poor countries was growing wider and wider. For those reasons and in view of the conflicts which that unjust situation could generate, the international community's efforts to enhance the effectiveness of the principle of non-use of force in international relations should go hand in hand with the efforts to establish a new international economic order.

47. The exploitative economic interests of the imperialists forces, which relied on South Africa as a useful instrument for imperialism, were responsible for the tense situation in southern Africa and for the attempts at destabilization in the region, as reflected in the policy of aggression against South Africa's neighbours including Mozambique. A number of acts of armed aggression had been committed against Mozambique with the aim of undermining its political and economic institutions.

48. For those reasons, Mozambique would welcome the elaboration of a legal instrument to help enhance the effectiveness of the principle of non-use of force in international relations. A treaty on that subject would serve as a valuable complement both to the United Nations Charter and to the Organization's mechanisms for the maintenance of international peace and security.

49. It was true that the principle of non-use of force in international relations had been clearly laid down in Article 2, paragraph 4, of the Charter and that it was also contained in most of the universal legal instruments, such as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. However, those instruments did not specify the precise content of the very concept of non-use of force and did not determine with clarity the scope of that principle. Moreover, they did not establish a relationship between the principle of non-use of force and other principles embodied in the Charter, for example the principles contained in Articles 33 and 51, and, above all, they did not establish the legal responsibility resulting from a violation of that principle. In other words, no sanctions had been provided for infringements of the principle. In his delegation's view, all those aspects could be properly dealt with in a world treaty on non-use of force.

50. That approach would be consistent with the idea of the codification and progressive development of the principles of international law and would in no way constitute an innovation in international practice, since the same approach had already been adopted in the past in relation to a number of principles contained in the United Nations Charter. In that connection, he drew attention to the Final Act of the Helsinki Conference of 1975, the content of which was a specification at the regional level of a number of principles contained in Articles 1, 2 and 33 of the Charter, to the Declaration on the Granting of Independence to Colonial Countries and Peoples, which developed the principle of self-determination contained in Article 1, paragraph 2, of the Charter, and, more recently, to the Manila Declaration on the Peaceful Settlement of International Disputes, which developed

(Mr. Koloma, Mozambique)

the principle contained in Article 33 of the Charter. The further development of those principles in new legal instruments did not in any way weaken the Charter or cast doubt on the validity of its provisions. For those reasons, the People's Republic of Mozambique supported the renewal of the Special Committee's mandate.

51. Mr. SWINNEN (Belgium) expressed satisfaction at the constructive climate in which the work of the last session of the Special Committee had been conducted. However, he could not but mention the cold-blooded destruction on 1 September 1983 of a South Korean civilian aircraft carrying 269 passengers. That act of unjustified and unjustifiable violence, which his delegation condemned, had been committed by a country which, paradoxically, had taken the initiative of introducing agenda item 126.

52. The establishment of a new international instrument on that topic, far from strengthening the legally binding nature of the principle of non-use of force, would give rise to additional doubts about the authority of that rule and might be considered to be a parallel law which was even contrary to the Charter. Accordingly, his delegation considered it to be counterproductive and unnecessary.

53. Were it necessary to codify the principle of non-use of force in international relations, such an undertaking would be best carried out in the context of the peaceful settlement of disputes, which was the corollary of the principle of non-use of force, or in the context of a very specific measure directed towards increasing legal security in a particular area of international relations. In that connection, he drew attention to the proposals made a few days earlier, in particular the proposal made by the French delegation, with a view to strengthening and ensuring greater respect for the rules of the International Civil Aviation Organization.

54. Having judiciously organized the work of its 1983 session, the Special Committee had succeeded in overcoming the impasse which had blocked its progress and which General Assembly resolution 37/105 had failed to remove. The work of the Chairman of the 1983 session, Mr. Garvalov, had been extremely important. The same was true of the informal paper submitted by Ambassador El-Araby, which had constituted a very useful basis for the Special Committee's work and had enabled delegations to participate in a constructive debate on the content of the "headings" and on the question of amending them or adding to them.

55. Belgium had stressed that the wording of the "headings" should be as specific and complete as possible. That approach would be the most likely to ensure the establishment of specific measures and of effective machinery of direct application. In fact, that was the objective his Government had set itself in becoming a member of the Special Committee and in submitting, together with four other Western countries, a working paper to the 1979 session.

56. It was to be hoped that the Special Committee would pursue the path it had embarked on at its 1983 session. The resolution concerning the renewal of the Special Committee's mandate should take into account that experience and, accordingly, should provide for a more flexible mandate than that entrusted to it under the previous resolution.

(Mr. Swinnen, Belgium)

57. Lastly, Belgium welcomed the appeal issued by the Secretary-General in his recent report on the work of the Organization to the effect that a first step towards strengthening the United Nations would be a conscious commitment to the Charter by all Governments.

58. Mr. HAKAPAA (Finland) said that, despite the fact that the principle of non-use of force in international relations was generally recognized in the international community and was a fundamental rule of international law, its practical application left a great deal to be desired. In accordance with its most recent mandate, the Special Committee should seek to elaborate, 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 it deemed appropriate.

59. His delegation was convinced that the differences expressed with regard to the form of the final instrument to result from the Special Committee's negotiations should not prevent it from proceeding in its substantive work. The initiative the Chairman of the 1982 session, Ambassador El-Araby, had taken in suggesting an outline for its future work had constituted an obvious step forward. The seven "headings" he had suggested had been discussed at the 1983 session.

60. The substantive issues included under the "headings" could be divided into two broad categories: on the one hand, general notions of the threat or use of force and, on the other hand, a number of factors pertaining to the establishment of a truly effective prohibition of the threat or use of force in international relations.

61. To maintain international harmony, what was needed was not only sufficient willingness but also adequate means to prevent disputes and conflicts which might lead to the use of force. In his delegation's opinion, every effort should be made to strengthen the ability of the United Nations, on the basis of the Charter, to take effective collective measures to prevent threats to peace. However, if disputes did arise, it was also important that they could be settled by peaceful means. The central role of the peaceful settlement of disputes in international relations had already been recognized in numerous documents, which provided a solid background for the Special Committee's work. However, a great deal remained to be done in terms of securing the widest possible recourse to the various dispute settlement procedures, for example those referred to in Article 33 of the Charter.

62. Moreover, in the list of "headings" submitted to the Special Committee for its consideration, there was a close connection between disarmament questions and the principle of non-use of force. That connection should not be forgotten, although disarmament measures were being discussed in other forums.

63. His delegation wished to reiterate its interest in the crucial issues before the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations. In recent times, the world had been witnessing mounting tension and distrust among States, a situation that had been reflected in the debate on agenda item 126. Finland hoped that the tension would be relieved through co-operation and that distrust would be replaced by mutual understanding.

64. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that in the current complex international situation the question of the non-use of force in international relations was becoming increasingly urgent. International tension and the threat of a nuclear conflict had increased as a result of the adventurist and aggressive policy of imperialist circles which were intensifying the arms race, promoting confrontation and reactivating the cold war.

65. Israel's policy of annexation and aggression continued to make the Middle East a hotbed of conflict which seriously complicated the international situation. The objective of that policy was Lebanon, where a veritable army of intervention forces was being deployed and military operations were being carried out against the peaceful inhabitants.

66. An open demonstration of force was taking place in Central America and the Caribbean. Nicaragua continued to be the object of direct interference, including military interference. Bands of mercenaries were being sent to its territory and acts of intervention were being perpetrated against that country. Moreover, Cuba was being subjected to a blockade.

67. In southern Africa, the racist Pretoria régime had persisted in its acts of aggression against the independent neighbouring States, in particular the People's Republic of Angola, and was still illegally occupying Namibia, subjecting the population of that country to its policy of terror. There was an increasingly urgent need for strict application of the principle of non-use of force. The conclusion of a treaty for that purpose would help to reaffirm one of the fundamental principles of the Charter of the United Nations and enable it to be developed.

68. The appearance of nuclear weapons, with their fearsome capacity for mass destruction, as well as the stockpiling of huge arsenals of nuclear missiles and their means of delivery, constituted a qualitatively new factor which would radically alter the nature and consequences of international armed conflicts. Unfortunately, there were as yet no rules of international law calling for renunciation of the use of nuclear weapons or making them illegal. Nevertheless, developments were moving in that direction, as could be seen from General Assembly resolution 2936 (XXVII) on non-use of force in international relations and permanent prohibition of the use of nuclear weapons. If, following the example of the Soviet Union, all nuclear Powers undertook not to be the first to use such weapons, that initiative would be tantamount to prohibiting their use.

69. Also of great importance was the proposal of the socialist countries, contained in the Prague Political Declaration, to conclude a treaty on the mutual renunciation of the use of armed force and on the maintenance of relations of peace between the member States of the Warsaw Pact and the members of the North Atlantic Treaty Organization. In view of the development of military and space technology and its dangerous implications for international peace and security, the proposal put forward by the USSR to the General Assembly for a treaty on the prohibition of the use of force in outer space and from space against the Earth, was timely.

(Mr. Stepanov, Ukrainian SSR)

70. The delegation of the Ukrainian SSR noted with satisfaction that during the discussions at the last session of the Special Committee, most members of that Committee had supported the early elaboration of a world treaty on non-use of force in international relations. As could be seen from the current debate, that was also the preferred approach in the Sixth Committee.

71. Unfortunately, the representatives of one group of States continued to oppose the idea of such a treaty, alleging concern over the possible weakening of the legal force of the principle of non-use of force, enshrined in the Charter of the United Nations, if that principle were also contained in a treaty which might not enter into force for a long time or not have as many accessions as the Charter.

72. Such fears, however, were groundless. In the first place, the authors of the Charter had ensured that such problems would not arise by including a special provision to guard against such an eventuality in Article 103 of the Charter. Secondly, the principle of non-use of force had clearly developed into a norm of jus cogens, and even the representatives of that group of States did not deny its peremptory nature.

73. Those observations showed how illogical and artificial the arguments of the enemies of the draft world treaty were. For its part, the Special Committee, through its Working Group, had begun the preparation of a document containing the main elements of the principle of non-use of force in international relations. It had begun its consideration of the seven "headings" of the document in which it was hoped to include the provisions contained in the three proposals presented by the USSR, the group of non-aligned countries and by several western States. Favourable conditions therefore existed for the continuation of work on the draft world treaty, and the opinion of the majority of delegations supporting the renewal of the Special Committee's mandate was fully justified.

The meeting rose at 1.05 p.m.