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SIXTH COMMITTEE  
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Wednesday, 29 November 1978  
at 10.30 a.m.  
New York

**SUMMARY RECORD OF THE 58th MEETING**

Chairman: Mr. FERRARI-BRAVO (Italy)

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AGENDA ITEM 121: 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 11.15 a.m.

AGENDA ITEM 121: REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS (continued)  
(A/33/41; A/C.6/33/L.7 and Corr.1, L.9)

1. Mr. EL-BACCOUCH (Libyan Arab Jamahiriya) said that the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations had been unable to fulfil its mandate because of the difficult nature of the subject-matter with which it had to deal, and because of the deep division of opinion among members concerning the usefulness of a treaty on the non-use of force. Such difficulties, however, were normal features of the work of many United Nations bodies on other agenda items and should not be an obstacle to the continuation of the work of the Special Committee, particularly if a majority of members were in favour of such continuation. His delegation had welcomed the Soviet initiative and had supported General Assembly resolutions 31/9 and 32/150. It now supported the draft resolution contained in document A/C.6/33/L.7
2. On previous occasions, his delegation had expressed support for the reaffirmation in the proposed treaty of the principles enshrined in Article 51 of the Charter of the United Nations, namely, respect for the rights of peoples fighting against colonialist and racist régimes, respect for the sovereignty of States over their natural resources and non-interference in the domestic affairs of States. His delegation believed in the need to develop an adequate definition of the notion of force and the use of force, covering, in addition to military force, subversion and economic coercion. In that connexion, he drew attention to the recent declaration approved by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Belgrade in July 1978, which stressed the need to eliminate the threat or use of force and pressure in international relations as a fundamental objective of the policy of non-alignment. When defining the notion of the threat and use of force the Committee should take account of covert attempts to destabilize Governments, the use of mercenaries, and defamatory press campaigns, and the use of financial bodies in attempts to control international credit by means which come close to violating the principle of non-intervention.
3. Mr. RAJU (India) said that under the influence of Mahatma Gandhi, the people of India had come to value the concept of the inseparability of ends and means. If a people's goals were noble, the means of attaining those goals must also be noble. There was, therefore, no justification for resorting to violence or the use of force simply because all means for the peaceful settlement of disputes or the attainment of common objectives had been exhausted. However, although the United Nations Charter provided that States should refrain in their international relations from the threat or use of force, except in self-defence or in common cause, force had been used again and again for wanton aggression, acquisition of territory and the oppression of other nations and peoples. In spite of the commitment not to use force, the arms race had continued unabated. The tragic irony

(Mr. Raju, India)

was that, since the Second World War, almost all armed conflicts had taken place between developing countries, which did not have even the resources to provide relief for millions of their people. The development and refinement of nuclear weapons and their possible use had brought into question the very existence of life on earth. The threat to the principle of non-use of force came primarily from the weapons industry, which seemed to have emerged as one of the mainstays of the economies of industrialized countries. The world community should strive for the demolition of that military-industrial complex if the concept of the non-use of force was to become a reality.

4. The system of collective security provided for in the United Nations Charter had not worked, since it was based on the presumption of a convergence of interests of the Powers which had been allied during the Second World War. The progressive deterioration in the international situation called for a re-examination of the basic concepts and obligations arising out of the Charter. Those might well need to be reiterated or elaborated on. It was in that context that his delegation had welcomed the initiative of the delegation of the Union of Soviet Socialist Republics, which was in line with a number of recent successful efforts to reiterate, elaborate on, clarify and supplement, where necessary, the relevant provisions of the Charter, in resolutions, declarations, conventions and treaties. All such initiatives should be considered on their own merits, applying inter alia the following criteria: the measure should enhance the role and authority of the United Nations; it should be designed to exploit fully the potential of the relevant Charter provisions for promoting peace and realizing other Charter objectives; it should enhance the effectiveness of Charter provisions by creating the necessary conditions and mechanisms for their implementation and it should supplement, strengthen and add new dimensions to the Charter by reflecting the latest developments in international relations and the latest thinking on the subjects concerned.

5. With regard to the specific task before the Special Committee, namely, the drafting of a world treaty on the non-use of force in international relations, his delegation considered that there was a need for an adequate and clear definition of the term "force". The concept of force in international relations should not merely cover physical or military force, but should be a composite and comprehensive concept understood in its widest possible connotation. The concept of non-use of force came very close to the Gandhian concept of non-violence, which excluded the harbouring of ill-will or bitterness against others and against nations. Gandhiji had taken pains to ensure that the struggle of the Indian people for independence did not leave any trace of bitterness against the British people. Such an approach of friendship and understanding, even towards adversaries, provided the only basis for genuine and lasting peace. The concept of non-use of force should cover the elimination of external instigation, support or intervention to destabilize or subvert legally established governments; hate campaigns mounted from outside against legally established governments; all

(Mr. Raju, India)

forms of exploitation and domination; all forms of pillage and plunder of the natural resources of a country; and the arms race and arms traffic.

6. In any treaty on the non-use of force, top priority must be given to the non-use of nuclear weapons, and no distinction should be made as to whether such a provision should apply to nuclear or non-nuclear States. Absolutely no conditions should be attached to the prohibition of the use of nuclear weapons.

7. It was also important that the question of national security or interests, for the defence of which the use of force was prescribed in the United Nations Charter, should be viewed in an enlightened manner and in the context of the commonly accepted objective of establishing a new world order. The existing world order was a continuing threat to the security and independence of the poorer countries. It was therefore important to agree that there would be no recourse to the threat or use of force, either direct or indirect: (a) when a country took steps to exploit its own natural resources and to secure maximum prices for its products; (b) when a country pursued its own socio-economic system and development pattern and strategy; and (c) when the developing nations took collective steps to safeguard their common economic interests by removing inequalities and imbalances from the existing world economic order.

8. In drafting a world treaty on the fundamental obligations to refrain from the threat or use of force in international relations, nations must renew their commitment to eliminate the root causes which gave rise to tension and posed a threat to international peace and security. There was no better summary of those commitments than in the "Panchsheel", or five principles of peaceful coexistence, which were among the fundamental principles of the non-aligned movement, namely: mutual respect for countries' territorial integrity and sovereignty, mutual non-aggression, mutual non-interference in internal affairs, equality and mutual benefit, and peaceful coexistence.

9. His delegation supported the renewal of the mandate of the Special Committee as proposed in draft resolution A/C.6/33/L.7.

10. Mr. HOUNGAVOU (Benin) said that his delegation was pleased to note that many delegations attached the same importance to the item on the non-use of force as they had to the question of Charter review. His delegation, which had already expressed its support for a review of the Charter and its opposition to the conservative approach of supporting the status quo, felt that both questions had a bearing on the strengthening of the effectiveness of the Organization for the maintenance of international peace and security.

11. His delegation was a sponsor of the draft resolution contained in document A/C.6/33/L.7, which called for the renewal of the mandate of the Special Committee. His country welcomed the Soviet proposal for a world treaty on the non-use of force

(Mr. Hounouvou, Benin)

in international relations for a very important reason: on 16 January 1977, his country had been the victim of the use of force against its independence, territorial integrity and sovereignty. The fact that a well-trained and well-financed mercenary army had been able to carry out such an action was an indication that existing legal instruments were ineffectual and no longer suited to the new context of a changing world. His country would whole-heartedly support any progressive initiative to remedy the existing juridical chaos which put the strong in a privileged position with respect to the weak. The Soviet initiative provided an opportunity to challenge the existing international order which favoured colonialism, neo-colonialism, foreign domination, aggression, apartheid, sectoral warfare, and economic and social inequality which were manifestations of international imperialism. The inadequacy of the provisions of the Charter and other international legal instruments against the threat or use of force had been noted by the non-aligned countries in many of their political declarations, particularly those of Lusaka and Belgrade. The arguments used by the developed countries against the elaboration of an international treaty on the non-use of force were unfounded, and it was important to note that these arguments were advanced by the forces of aggression and domination.

12. His delegation was submitting constructive amendments to improve the Soviet text and was happy to note that the Soviet delegation was prepared to accept them. The amendments would deal with two important matters, first, the definition of the term "non-use of force" and ways in which force was used in international relations and second, the question of self-defence. With regard to the first issue, he stressed that his country was particularly concerned about the use of mercenary forces against the independence, sovereignty and territorial integrity of States. Mercenaries were one of the weapons used by international imperialism against States which were hostile to their policy of aggression and exploitation. The proposed treaty should include a specific provision on the matter. His delegation also believed that the world treaty should define and protect the right of self-defence against aggression and occupation, and especially such forms of aggression as colonialism and racial discrimination. Liberation movements were exercising the right of self-defence when they used all the means at their disposal, including armed force, to drive the colonial oppressors from their territories. The treaty should therefore cover and protect the activities of national liberation movements. The conclusion of a world treaty on the non-use of force would provide an opportunity to punish crimes of aggression which had never been punished under Chapter VII of the Charter. Obviously, racist and colonialist entities would not be able to use the self-defence clause to justify the aggressive policy which was pompously called "hot pursuit".

13. The racist régime of South Africa was constantly committing acts of aggression against Angola. Most of the international community wanted to see the racist régime punished for its crimes, but every effort to apply measures under Chapter VII of the Charter was vetoed by the defenders of that régime, who were well represented in the Security Council. The proposed world treaty would make it possible to remedy that situation.

14. Mr. ONDA (Japan) said that his delegation attached the utmost importance to the principle of the non-use of force in its international relations, and treaties governing its bilateral relations with other countries referred to it as one of the fundamental principles of the Charter of the United Nations. Moreover, one of the cardinal tenets of the Japanese Constitution was the renunciation of war and of the threat or use of force as a means of settling international disputes. Accordingly, the Japanese Government had long been prepared to consider any proposal which was designed to promote the principle of the non-use of force and which suggested practical and viable means of winning universal compliance with it.

15. Nevertheless, his Government had felt compelled repeatedly to express its doubts, in the General Assembly and in the Special Committee, about the advisability of drafting a world treaty on the non-use of force in international relations as proposed by the Soviet Union. His delegation's views on the question were stated in the comments it had submitted to the Secretary-General in accordance with General Assembly resolution 31/9. It was only by the adoption of concrete disarmament measures that effective implementation of the principle of non-use of force could be ensured. Moreover, the Charter, which was legally binding on all Member States, already provided for the non-use of force in international disputes. Consequently, if the proposed draft treaty was merely to reiterate that commitment, it was difficult to see what purpose it might serve. On the other hand, if the draft treaty provided for rights and duties which differed from those contained in the Charter, there was a risk that it would weaken the obligation concerning the non-use of force already laid down in the Charter. In addition, if all Member States did not become parties to the treaty, a complex legal problem would arise from any discrepancy between the legal obligations laid down in the treaty and those set forth in the Charter. His delegation had hoped that some attempt would be made in the Special Committee and in the Sixth Committee to deal with those questions, but those hopes had not been realized.

16. According to its mandate, the Special Committee might have begun drafting appropriate recommendations for the enhancement of the principle of the non-use of force, rather than centring its attention entirely on the draft treaty as it had done at its last session. However, for want of sufficient effort, the last session had yielded little more than a vivid reminder of the deep cleavage of opinion currently existing between the members of the Special Committee, as the report indicated. The report also demonstrated that the questions raised in the general debate in the Special Committee encompassed almost all the problems involved in the maintenance of international peace and security. Moreover, many of them had also been touched on by the Special Committee on the Charter of the United Nations. The reason for that was that the principle of the non-use of force was intimately related with other principles of the United Nations concerning the maintenance of international peace and security. The founders of the United Nations had devised the notion of maintaining international peace and security through the acceptance of a number of principles, particularly the peaceful settlement of disputes and the non-use of force, and through an organizational structure centring on the Security Council as the pillar of collective security. Any examination of the principle of the non-use of force from the legal point of view would therefore mean that other

(Mr. Onda, Japan)

principles and mechanisms would also become objects of scrutiny. He emphasized, in that regard, that his Government, while reiterating the belief that the review, improvement and strengthening of the Organization merited closer attention after the passage of more than 30 years, had made it abundantly clear that the purposes and principles embodied in the Charter continued to be as valid as when they had been written. His delegation's position on the purposes and principles of the Charter, to which the Government and people of Japan were firmly committed, was clear and consistent.

17. It was neither feasible nor advisable to single out one principle of the United Nations and try to expound it by means of a separate legally binding document, for the reasons already stated. Without convincing and reasonable explanations concerning the nature of the draft treaty, it would be difficult for his delegation to reach a conclusion on the course of action which the Special Committee might be able to follow in the future, or whole-heartedly to support the renewal of the Special Committee's mandate, as proposed in draft resolution A/C.6/33/L.7.

18. Mr. KOSTOV (Bulgaria) said that, from the outset, Bulgaria had firmly supported the Soviet initiative concerning the conclusion of a world treaty on the non-use of force in international relations. From the political point of view, the conclusion of such a treaty would represent an important step towards the promotion of trust among nations, and would contribute substantially to the strengthening of international security. Although the principles of the Charter, including the principle of the non-use of force in international relations, were certainly recognized by all Governments, the policies of some of those Governments were based on doctrines which negated the very principle of the non-use of force, such as the so-called "position of strength" policy and the admissibility of "local", "limited" or "controlled" conflicts. Given the existence of nuclear weapons, the application of such doctrines was fraught with unforeseeable consequences. The conclusion of a world treaty on the non-use of force would not only strengthen the existing principle, but would also exert a strong influence on the policies of certain Governments and make the application of such imperialistic and chauvinistic policies difficult, if not impossible.

19. From the legal point of view, the proposed treaty would strengthen the very foundations of contemporary international law and of the international legal order which were based on the non-use of force and the peaceful settlement of disputes. A number of delegations had gone so far as to say that the drafting of such a treaty, far from being useful, would actually be harmful. Coming from delegations which purported to be advocates of the rule of law in international relations, such views were difficult to understand. The legal justification for the drafting of a treaty on the non-use of force was closely related to one of the main functions of the General Assembly, as set out in Article 13, paragraph 1 (a), of the Charter.

20. Throughout its history, the United Nations had been concerned with the codification and progressive development of the principles of the Charter. It was

(Mr. Kostov, Bulgaria)

interesting to note that the idea of continuing that work had been put forward in the Sixth Committee, as could be seen from paragraph 122 of document A/6955. The main question was whether all the members of the Special Committee had the political will to continue the work of codification and progressive development of international law. A constructive attitude on the part of all concerned would be necessary if the draft treaty was to be universally acceptable.

21. The mandate of the Special Committee was quite clear. He could not agree with the view expressed by the representative of Canada at the 54th meeting of the Sixth Committee to the effect that there was a tendency to limit the mandate of the Special Committee to the preparation of a draft treaty on the non-use of force. His delegation had at no time noted any such tendency, either in the Special Committee or in the Sixth Committee. Paragraph 2 of General Assembly resolution 32/150 made it clear that the Special Committee had to consider at least three questions, namely the drafting of a world treaty on the non-use of force in international relations, the peaceful settlement of disputes, and any other recommendations made in that regard. It was hard to believe that any delegation would try to conceal that fact.

22. However, one very clear trend that had emerged on a number of occasions in the Special Committee was to question the fact that the General Assembly had assigned the Special Committee the task of formulating a draft treaty on the non-use of force, despite the specific language and title of resolution 32/150. At its first session, the Special Committee had been seized of the Soviet draft treaty which, in the view of many, was the only working document that could be used as a basis for the elaboration of a draft treaty. It had therefore been logical for the Special Committee to embark on consideration of the Soviet proposal.

23. In the course of the debate in the Committee, a number of complaints had been made concerning the overlapping between the mandate of the Special Committee and that of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. That complaint had come from the very countries which had insisted that the Mandate of the Committee on the Non-Use of Force should cover the question of the peaceful settlement of disputes. Since everyone knew that the question was discussed in another forum it was hard to escape the conclusion that that insistence had been designed to provide justification for the overlap argument. However, the problem was not serious, if the question of the Special Committee's mandate was approached in good faith. Since the principles of the non-use of force and the peaceful settlement of disputes were closely linked, any draft treaty on the first must naturally take account of the second and article II of the Soviet draft contained a special provision in that regard.

24. One solution to the problem of overlapping could be, as proposed by the representative of Canada, for the Special Committee on the Charter to refer the results of its consideration of the question of the peaceful settlement of disputes to the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations. In any event, as the representative of Canada had stated, whether or not a solution was found to the problem of overlapping, it



(Mr. Kostov, Bulgaria)

was essential that the Special Committee should continue to consider proposals submitted to it regarding all aspects of its mandate.

25. He expressed the hope that the Committee would be able to adopt draft resolution A/C.6/33/L.7 so as to enable the Special Committee to resume work in 1979, with a greater measure of success.

26. Mr. PI Chi-lung (China) said that the development of the international situation over the past year showed that the struggle of the super-Powers for world hegemony, while focusing on Europe, had also been stepped up in different forms in the vast regions of the Middle East, Africa, Asia and Latin America. Not only did the threat or use of force prevail in many parts of the world, but the situation was worsening. It was easy to understand why, under such circumstances, some countries were considering the possibility of adopting effective means, including the adoption of a resolution or declaration, or the conclusion of a multilateral treaty, to ensure the implementation of the principle of non-use of force and the threat of force in international relations, as laid down in the Charter. It should be pointed out that the Special Committee had been created precisely under such circumstances. Judging from its mandate and title, the task of the Special Committee was not expressly to draft a certain document or convention but to consider various approaches and determine the proper way to enhance the effectiveness of the principle of the non-use of force, a question which required further discussion. The report of the Special Committee also showed that that issue involved various factors and was rather complicated, and that the views on it were quite divergent. As one delegate had rightly pointed out, the Committee must proceed with caution. The Special Committee had already held a preliminary discussion on the relevant problems. The content of that discussion and the development of the international situation further revealed the essence of the threat and use of force in international relations at the current time, as well as the many problems involved. Obviously, it would be a fairly long process for the Special Committee to arrive at proper and mature conclusions.

27. In his delegation's opinion, the purpose of stressing the non-use of force or the threat of force in international relations was to facilitate the correct handling of inter-State relations and the maintenance and strengthening of international peace and security. Such peace must be just, and security must be dependable. That purpose had to be clarified first in discussing the principle of non-use of force or the threat of force. Consideration of effective ways to implement that principle must also proceed from that point. Numerous facts indicated that some people shouted for the non-use of force at the top of their lungs to lull and deceive the people of the world; but in their actions they were ready to trample that principle underfoot at any time, to make up all sorts of excuses or resort to various manoeuvres as a cover-up, to use force and the threat of force to perpetrate aggression and expansion and to undermine international peace and security. It was very necessary, therefore, to clarify the purpose of the principle of non-use of force or the threat of force and to link that principle closely to the correct handling of inter-State relations and the maintenance and strengthening of international peace and security.

(Mr. Pi Chi-lung, China)

28. Another important aspect was self-defence. It was completely legitimate for a nation and a State to oppose aggression and oppression and to defend itself and safeguard national independence, sovereignty and territorial integrity. No restrictions should be placed on such self-defence; on the contrary, it must be supported. That was an important principle laid down in the Charter of the United Nations. Moreover, the various forms of liberation struggle waged by peoples living under the domination of imperialism, colonialism, hegemonism, racism and zionism, including armed struggle, were legitimate and just. They had every right to resort to such forms of struggle. Consequently, a clear distinction must be made between the aggressor and the victim of aggression, the oppressor and victim of oppression, and between justice and injustice, in implementing the principle of the non-use of force. It was impermissible to undermine and restrict the just struggles waged by nations, States and peoples who were victims of aggression and oppression.

29. It should be emphasized that, at the current time, force and the threat of force in the international arena were used primarily by super-Power hegemonism. Those super-Powers either directly used force to perpetrate aggression, send armed forces and dispatch military troops and personnel to subvert another State, or, through indirect means, used agents, mercenaries and regional hegemonism as a form of the use of force and the threat of force; or they incited and helped some States to start armed invasions, while they themselves seized the opportunity to meddle and fish in troubled waters. Therefore, when discussing the enhancement of the principle of the non-use of force, it was necessary to proceed from the actual situation, to face up to reality and the primary problems existing, and to consider possible solutions. Only by proceeding along those lines would it be possible to achieve real results and avoid being divorced from reality or allowing discussion to degenerate into empty talk.

30. The Chinese Government had always strictly abided by the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, mutual non-interference in internal affairs, equality and mutual benefit and peaceful coexistence. China had always resolutely advocated that disputes among States should be settled by peaceful means. It opposed the threat and use of force and supported the maintenance of international peace, security and justice. Opposition to the threat and use of force was a common position and demand of the numerous small and medium-sized countries. However, the situation was complex, and the task arduous. His delegation was ready to join others in the efforts to ensure effective implementation of the principle of non-use of force in international relations.

31. Mr. PANCARCI (Turkey) said that his Government was firmly resolved to make every effort to achieve the aims of the United Nations and to support all serious and realistic initiatives designed to ensure the implementation of all the principles of the United Nations Charter. True to its traditionally pacifist policy, Turkey was opposed to the illicit use of force. In 1933 Turkey had concluded several international agreements in which it had undertaken not to resort to war as a means of national policy or to aggression or participation in an act of aggression committed by a third State, and had undertaken to condemn all aggression or participation in any kind of aggression attempted by third parties as well as any aggressive alliance against one of the contracting States. Turkey

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(Mr. Pancarci, Turkey)

continued to pursue the same policy within the United Nations. He affirmed the position taken by his delegation in November 1968 in the Sixth Committee, affirming that the establishment and maintenance of a just and durable peace depended as much on the elimination of poverty, ignorance and injustice as on the prohibition of the illicit use of force. The efforts of his country in that direction were not confined exclusively within the framework of the United Nations. Turkey had sought to play an active and constructive role at the Conference on Security and Co-operation in Europe in 1975, and Turkish legal bodies had already begun to implement the Final Act of that Conference.

32. His delegation felt that the Sixth Committee should seriously study the mandate of the Special Committee and clearly define it in order to avoid any impasse within that Committee. At present it was very vague and gave rise to very divergent views within the Special Committee itself as well as within the Sixth Committee. Those two bodies could only achieve good results with the active co-operation of a large majority of their members. On the other hand his delegation had much difficulty in believing that the Special Committee could deal effectively with the question of the peaceful settlement of international disputes since that question was already being dealt with thoroughly by the Special Committee on the Charter. The principle of the non-use of force and of the threat of force against the territorial integrity or political independence of any State was already firmly established in contemporary international law by Article 2, paragraph 4, of the Charter, and had been confirmed on several occasions in resolutions adopted by the General Assembly. For that reason his delegation did not feel that there was any need to redefine that principle. Besides, if the principle of the non-use of force had not yielded the desired results, that could not be attributed to any deficiencies in the principle itself or in the provisions of the United Nations Charter, but was due to abnormal conditions in the international community. How could that noble principle be implemented without stopping the arms race, doing away with weapons of mass destruction and eliminating the poverty, ignorance and injustice in the world? Legal and political rules must be adapted to the present international situation, and it was therefore necessary, first of all, to create the necessary favourable atmosphere and then implement the desired laws. Otherwise even the most perfect laws and conventions would remain a dead letter. The Special Committee should study the question of strengthening the effectiveness of the principle of the non-use of force, in other words, the basic causes preventing the effective implementation of that principle, and should also specify the means of achieving that end. The Sixth Committee should try to draw up realistic and practical guidelines to enable the Special Committee to continue its work so as to arrive at generally acceptable solutions.

33. In reply to the unfounded and unjust accusations made by the representative of the Greek Cypriot community against Turkey, he said that, since the opening of the present session the question of Cyprus had been discussed in the General Committee, in the General Assembly itself, the Special Political Committee, again in the General Assembly, and then in the Security Council. The Sixth Committee differed from the other Main Committees of the General Assembly in its

(Mr. Pancarci, Turkey)

spirit of compromise, conciliation and collaboration. It had nothing to do with the problem of Cyprus, which was within the competence of other United Nations bodies. The Minister for Foreign Affairs of Turkey had stated his Government's position on the question of Cyprus in the General Assembly on 3 October 1977, declaring that the future solution must be based on the independence, territorial integrity and sovereignty of Cyprus and that a policy of non-alignment would be desirable for the State of Cyprus and would contribute to peace and stability in the Eastern Mediterranean. He pointed out that the quarrelsome attitude adopted by the delegation of the Greek Cypriot community was not conducive to a solution of the question of Cyprus. Such an attitude could only impede the establishment of the climate of goodwill and mutual confidence necessary for a just and lasting solution.

34. Mr. MUDHO (Kenya) said that his delegation continued to see considerable merit in the idea of concretizing certain provisions embodied in the United Nations Charter in declarations, resolutions and conventions, and was anxious to ascertain whether the Special Committee had properly interpreted and executed its mandate. It was regrettable that there appeared to have been a divergence of opinion in the Committee in that respect. The mandate of the Special Committee, as spelt out in operative paragraph 2 of General Assembly resolution 32/150, was clear and unambiguous. It was different, however, from the mandate of the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages. It could not be seriously contended that the primary task of the Special Committee was to draft a treaty on the principle of non-use of force in international relations. That was only one of the possible conclusions or recommendations the Committee was yet to arrive at after undertaking a comprehensive consideration of proposals and suggestions submitted by States on the various possible ways and means of enhancing the principle of non-use of force in international relations.

35. With regard to the question of enhancing that principle in international relations itself, his delegation felt that that was a noble undertaking which need not be in conflict with the letter or spirit of the United Nations Charter. Nearly all the comments made thus far on enhancing the effectiveness of that principle had tended to be in the form of support or opposition to the Soviet proposal for the elaboration of a world treaty on the subject. His delegation felt that a properly conceived convention, with the necessary machinery for enforcement and the support not only of the super-Powers but also of the other nuclear Powers, would substantially enhance the effectiveness of the principle of non-use of force in international relations. Such a treaty must take into account the five points highlighted by the non-aligned countries and mentioned in paragraph 61 of the report of the Special Committee. Since the Soviet draft did not fully respect those concerns it was deficient and incapable of achieving its intended purpose. On the other hand, it would not be beyond the resourcefulness of the Committee to draft a treaty which overcame the objections so far raised against the Soviet draft, if that were the solution preferred by the majority. His delegation thought that the concerns expressed regarding the hierarchy of the so-called two régimes, namely, that of the Charter and that

(Mr. Mudho, Kenya)

of the draft treaty, were perhaps more theoretical than real, assuming that the treaty would be a refinement very much in the nature of national legislation, which could not be said to detract from the constitutional or subsidiary legislation in domestic law and, therefore, must conform to the Charter, which remained paramount. His delegation would like to see the Committee complete its work, and would support an appropriately worded resolution extending its mandate.

36. Mr. KIRSCH (Canada), speaking in exercise of the right of reply, said that he wished to apologize to the delegate of Bulgaria if his recent statement gave the false impression that the Canadian delegation was desirous of concealing the fact that there were three subjects before the Special Committee. He had said that it was impossible for his delegation to share the view of those who wanted to reduce the mandate of the Special Committee to the task of drawing up a draft treaty on the non-use of force. That was not intended to imply that delegations had claimed that there was only one subject to be taken up by the Committee and that there was no reference made in the mandate to the peaceful settlement of disputes or other recommendations. He had simply meant to say that some delegations insisted that the draft treaty should be the over-all context for the consideration of any other matters on the agenda of the Committee. One delegation, for example, had stated that the problem of the peaceful settlement of disputes should be settled in the context of a treaty on the non-use of force, as proposed by the Soviet Union and that paragraph 2 of General Assembly resolution 32/150 unquestionably referred to the drafting of a world treaty as the Committee's primary task, and that that was the only true interpretation to the paragraph in question. The Canadian delegation disagreed with that position, since it felt that the various components of paragraph 2 of resolution 32/150 were all entitled to equal treatment, and that it was for the Committee itself to decide how it would deal with them and what instruments should be the final outcome of its work.

The meeting rose at 1.09 p.m.