



General Assembly

Distr.
GENERAL

A/39/440

31 August 1984

ENGLISH

ORIGINAL: ARABIC/ENGLISH/
SPANISH

Thirty-ninth session
Item 127 of the provisional agenda*

*2/2
RC*

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

Report of the Secretary-General

CONTENTS

	<u>Page</u>
I. INTRODUCTION	2
II. OBSERVATIONS RECEIVED FROM GOVERNMENTS	2
Australia	2
Cuba	3
Jordan	4
Saint Vincent and the Grenadines	4
Seychelles	5
United Arab Emirates	5

* A/39/150.

I. INTRODUCTION

1. On 19 December 1983, the General Assembly adopted resolution 38/133 entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations", paragraphs 2, 3 and 4 of which read as follows:

"The General Assembly,

...

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

"3. Requests the Special Committee, in order to ensure further progress in its work, to continue at its session in 1984 the elaboration of the formulas of the working paper containing the main elements of the principle of non-use of force in international relations, taking duly into account the proposals submitted to it and the efforts undertaken at its session in 1983;

"4. Invites Governments to communicate their comments or suggestions or to bring them up to date, in accordance with General Assembly resolution 31/9;"

2. Pursuant to paragraph 4 of resolution 38/133, the Secretary-General, by a note dated 9 January 1984, invited Member States to communicate their comments and suggestions referred to in that paragraph.

3. As at 31 August 1984, communications had been received from Australia, Cuba, Jordan, Saint Vincent and the Grenadines, Seychelles and the United Arab Emirates. The communications of Cuba and the United Arab Emirates were made available to the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations at its 1984 session (A/AC.183/6 and Add.1). These communications and those of Australia, Jordan, Saint Vincent and the Grenadines and Seychelles, which were received after the closure of the Special Committee 1/ are reproduced below. Any further communications will be reproduced in addenda to the present report.

II. OBSERVATIONS RECEIVED FROM GOVERNMENTS

AUSTRALIA

[Original: English]

[6 March 1984]

The Permanent Mission should like to recall that the Australian delegation spoke at some length on this question at the thirty-eighth session of the General

/...

Assembly (A/C.6/38/SR.15, paras. 23-31). The Australian authorities advise that they have nothing further to add to those comments at this stage.

CUBA

[Original: Spanish]

[13 February 1984]

1. The Government of Cuba reiterates the comments it has made in previous years with respect to the importance it attaches to the codification of the principle in question, which is embodied in the Charter of the United Nations, as a means of ensuring respect for that principle by all States without exception, bearing in mind that it is essential for the preservation of world peace.
2. Recent events around the world, and the present situation in our hemisphere in particular, demonstrate that, despite the valiant efforts it has made, the United Nations has not been effective in preventing the violation of the principle under consideration.
3. This has been illustrated quite eloquently by the recent invasion of the island of Grenada by the United States Government, in which other countries from the area participated, and the constant acts of aggression against the countries of Central America which do not acquiesce in the designs of the United States Administration, which has traditionally regarded the countries of our area as the backyard of the United States.
4. Also part of this general pattern of violation of the principle of the non-use of force in international relations is the pressure that is constantly being brought to bear on Cuba by the most powerful imperialist country in the world in its attempt to destabilize the country and, at the same time, to discourage countries that are seeking to reassert fully their sovereignty and independence.
5. Such facts demonstrate the necessity for the speedy preparation of a legally binding instrument to prohibit the use of force in international relations and thereby to guarantee the political independence of all States.
6. As the Cuban Government has repeatedly stated, it is also important that such a legal instrument should cover not only the use of military force, including nuclear weapons, but also those cases in which the use of force takes the form of political and economic pressure, which are very dangerous manifestations of the violation of the principle under consideration.
7. In the light of such considerations, the Cuban Government has been encouraged by the outcome of the most recent session of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations and welcomes the results of the deliberations on the paper submitted informally by the Chairman of the fifth session.

8. That paper can certainly serve as a basis for the future instrument that will mark the successful culmination of the work which the Special Committee has been carrying out for several years. It can also be very useful in categorically reaffirming the prohibition on the use of force and making it perfectly clear that the violation of the principle of the non-use of force is prejudicial to the inalienable rights of all peoples and entails, moreover, a breach of such other Charter principles as the principles of non-intervention and of respect for the sovereignty of States.

9. In placing on record its intention to co-operate fully in the new stage reached in the work of the Special Committee, the Government of Cuba wishes to emphasize its position that the seven-heading document which is under consideration should include, under the appropriate headings, those paragraphs of the draft treaty submitted by the Soviet Union and the paragraphs in the paper of the non-aligned countries which relate to them.

10. Lastly, my Government wishes to reaffirm its conviction that the adoption of a world treaty on the non-use of force can serve as a call to order to those who are forgetful of their obligation to respect the territorial integrity and the sovereignty of States and, consequently, would be a valuable contribution in the struggle for world peace, which is at present seriously endangered.

JORDAN

[Original: Arabic]

[19 March 1984]

1. ... the position of the Jordanian Government on the subject was set forth in the statement of the representative of Jordan in the Sixth Committee on 8 November 1982 (see A/C.6/37/SR.39, dated 12 December 1982, paras. 65-72).

2. What must be emphasized in this field is the need for full commitment to the provisions of the Charter of the United Nations, particularly in so far as relates to punishment of the aggressor and the application in this regard of the provisions of Chapter VII of the Charter, abstention on the part of those States that are permanent members of the Security Council from resorting to means which prevent the international community from imposing its will in order to put an end to aggression, and prevention of the aggressor's reaping the fruits of his aggression.

SAINT VINCENT AND THE GRENADINES

[Original: English]

[21 May 1984]

The Ministry has the honour to inform the Secretary-General that the Government of Saint Vincent and the Grenadines would give its support to any effort that might be taken to assist in enhancing the effectiveness of the principle of non-use of force in international relations.

SEYCHELLES

[Original: English]

[28 March 1984]

... the Government of the Republic of Seychelles supports the draft World Treaty on the Non-Use of Force in International Relations 2/ and has no comments to make on the text thereof.

UNITED ARAB EMIRATES

[Original: Arabic]

[27 February 1984]

1. The Government of the United Arab Emirates previously submitted its comments on this subject to the Secretary-General of the United Nations on 9 February 1983 (see A/38/357, sect. II). The State's representative to the Sixth Committee also made a statement during the thirty-eighth session of the General Assembly (A/C.6/38/SR.18, paras. 30-32), in which he presented its point of view on the subject. We reaffirm that the United Arab Emirates supports the renewal of the mandate of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations so that it may continue its work with the object of drafting a world treaty on the non-use of force in international relations. The conclusions of such a treaty would establish an important principle in international law and would support the Charter of the United Nations, which prohibits the use of force in international relations. Adoption of and commitment to such a principle would be in keeping with the communiqué issued by the non-aligned summit conference and with the Charter of the League of Arab States, which has embraced that principle.

2. The conclusion of such a treaty would, similarly, reinforce international peace and security and would give impetus to the efforts of the United Nations to strengthen the régime of international law relating to the non-use of force in international relations.

3. Accordingly, we have no objection, in the drafting of a world treaty on the non-use of force in international relations, to there being set forth therein the types and forms of the use of force, its legitimate scope, and the exceptions to that principle, among which we deem to be the struggle of peoples against domination and colonialism and the right to legitimate defence.

4. We also affirm that the drafting of such a treaty must clearly reflect the extent of the interrelationship between the principle of non-use of force in international relations and other principles recognized by international law such as the principle of good faith and the peaceful settlement of disputes between States.

Notes

1/ Pursuant to the decision in paragraph 2 of General Assembly resolution 38/133, the Special Committee met in New York from 21 February to 16 March 1984. For its report, see Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 41 (A/39/41).

2/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 41 (A/34/41 and Corr.1), annex.
