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

Report of the Sixth Committee

Rapporteur: Mr. Mehmet GUNEY (Turkey)

I. INTRODUCTION

1. The item entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations" was included in the provisional agenda of the thirty-ninth session of the General Assembly pursuant to paragraph 10 of Assembly resolution 38/133 of 19 December 1983.
2. At its 3rd plenary meeting, on 21 September 1984, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with this item, the Sixth Committee had before it the following documents:
 - (a) Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations; 1/
 - (b) Report of the Secretary-General containing observations received from the Governments of Australia, Cuba, Jordan, Saint Vincent and the Grenadines, Seychelles and the United Arab Emirates (A/39/440).
4. The Committee also had before it the following communications:

1/ Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 41 (A/39/41).

(a) Letter dated 14 March 1984 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/39/134-S/16418);

(b) Letter dated 23 July 1984 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General (A/39/360);

(c) Letter dated 15 October 1984 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General (A/39/581-S/16782 and Corr.1);

(d) Letter dated 20 October 1984 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General (A/39/596-S/16789);

(e) Letter dated 16 October 1984 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General (A/39/590 and Corr.1);

(f) Letter dated 19/21 September 1984 from the Minister for Foreign Affairs of the French Republic and the Minister for Foreign Affairs of the Republic of Austria to the Secretary-General (A/C.6/39/3).

5. The Sixth Committee considered the item at its 12th to 19th meetings, from 4 to 12 October 1984, at its 58th to 61st meetings, from 28 November to 3 December, and at its 63rd meeting, on 5 December. The summary records of those meetings (A/C.6/39/SR.12-19, 58-61 and 63) contain the views of representatives who spoke on the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/39/L.9

6. At the 58th meeting, on 28 November, the representative of Mongolia introduced a draft resolution (A/C.6/39/L.9) on behalf of the following countries: Afghanistan, Angola, Benin, Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, the German Democratic Republic, Hungary, India, Iraq, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Mali, Mongolia, Mozambique, Nicaragua, Poland, Romania, the Syrian Arab Republic, Uganda, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Venezuela and Viet Nam.

7. The Committee had before it a statement submitted by the Secretary-General (A/C.6/39/L.11) on the programme budget implications of the draft resolution.

8. At the same meeting, the Committee adopted draft resolution A/C.6/39/L.9 by a recorded vote of 80 to 16, with 11 abstentions (see para. 11). The voting was as follows: 2/

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Barbados, Bhutan, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Nigeria, Oman, Papua New Guinea, Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, Canada, Denmark, France, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Pakistan, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Brazil, Germany, Federal Republic of, Guatemala, Ireland, Ivory Coast, New Zealand, Paraguay, Sweden, Turkey.

9. Statements in explanation of vote were made by the representatives of Brazil, Argentina, Kenya, Spain, the Netherlands, Mexico and Australia.

10. At its 64th meeting, on 6 December, the Committee agreed that the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations should hold its 1985 session from 28 January to 22 February.

2/ The representatives of the Maldives, Malawi, Benin and Burkina Faso stated that, had they been present during the voting, they would have voted in favour of the draft resolution. The representative of Pakistan indicated that it was his delegation's intention to vote in favour of the draft resolution, and he requested that the voting record be corrected.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Special Committee on Enhancing the Effectiveness of the
Principle of Non-Use of Force in International Relations

The General Assembly,

Recalling its resolution 31/9 of 8 November 1976, in which it invited Member States to examine further the draft World Treaty on the Non-Use of Force in International Relations 3/ as well as other proposals made during the consideration of this item,

Recalling also its resolution 32/150 of 19 December 1977, by which it established the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations,

Recalling, in particular, its resolutions 33/96 of 16 December 1978, 34/13 of 9 November 1979, 35/50 of 4 December 1980, 36/31 of 13 November 1981, 37/105 of 16 December 1982 and 38/133 of 19 December 1983, in which it decided that the Special Committee should continue its work,

Taking note of the statements made by the Chairmen of the Special Committee at its sessions in 1983 4/ and 1984 5/ based on the informal working paper presented by the Chairman at its session in 1982, 6/

Having considered the report of the Special Committee, 7/

Taking into account that the Special Committee has not completed the mandate entrusted to it,

Reaffirming the need for effectiveness in the universal application of the principle of non-use of force in international relations and for assistance by the United Nations in this endeavour,

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

4/ Ibid., Thirty-eighth Session, Supplement No. 41 (A/38/41), para. 59.

5/ Ibid., Thirty-ninth Session, Supplement No. 41 (A/39/41), para. 51.

6/ Ibid., Thirty-seventh Session, Supplement No. 41 (A/37/41 and Corr.1), para. 372.

7/ Ibid., Thirty-ninth Session, Supplement No. 41 (A/39/41).

Expressing the hope that the Special Committee will, on the basis of the proposals before it, complete the mandate entrusted to it as soon as possible,

1. Takes note of the report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations;
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 progress in its work, to speed up at its forthcoming session 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 sessions in 1982, 1983 and 1984;
4. Invites Governments to communicate their comments or suggestions or to bring them up to date, in accordance with General Assembly resolution 31/9;
5. Requests the Special Committee to be mindful of the importance of reaching general agreement whenever it has significance for the outcome of its work;
6. Decides that the Special Committee shall accept the participation of observers of Member States, including participation in the meetings of its working group;
7. Requests the Special Committee to concentrate its work in the framework of its working group;
8. Requests the Secretary-General to provide the Special Committee with the necessary facilities and services;
9. Invites the Special Committee to submit a report on its work to the General Assembly at its fortieth session;
10. Decides to include in the provisional agenda of its fortieth session the item entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations".
