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ASSEMBLY**

THIRTY-THIRD SESSION

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SUMMARY RECORD OF THE 59th 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 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. The CHAIRMAN gave the floor to the representative of Cyprus to speak in exercise of his right of reply.
2. Mr. PANCARCI (Turkey), speaking on a point of order, said that he objected to giving the floor to the representative of Cyprus since that representative did not appear on the list of speakers for the meeting. The Sixth Committee, as the main Committee dealing with legal questions, should abide scrupulously by the rules of procedure of the General Assembly, the United Nations Charter and decisions taken by United Nations bodies. Failure to do so would be detrimental to the entire Organization. The unfortunate experience of the League of Nations was very instructive in that regard.
3. Mr. KATEKA (United Republic of Tanzania), speaking on a point of order, said that under rule 113 of the rules of procedure the representative of Turkey was out of order since he had not limited his remarks to the point of order.
4. The CHAIRMAN said that the point of order raised by the representative of Turkey was valid and that he had not exceeded the limits imposed by rule 113. He pointed out that under rule 115 the Chairman could accord the right of reply to any delegation if a speech delivered after the list of speakers had been closed made that desirable. There was, moreover, no rule providing that the right of reply must be exercised at the meeting at which the statement giving rise to the reply was made. The delegation of Cyprus therefore had the right to reply.
5. Mr. JACOVIDES (Cyprus), speaking in exercise of his right of reply, said that the Turkish representative was out of order in referring to him in a manner which was at variance with established United Nations practice. All other Member States recognized his Government as the legitimate Government of Cyprus, and all delegations addressed him as the representative of Cyprus and not as the representative of an ethnic community on that island. As a distinguished jurist, the Turkish representative should know that only representatives of Governments and not those of communities were entitled to speak in the Committee.
6. It was ironic and paradoxical that the representative of Turkey, a country which had been repeatedly recognized by overwhelmingly adopted United Nations resolutions as being an occupying Power in Cyprus, should have deemed it appropriate to refer to the Cyprus situation in the course of a debate on enhancing the effectiveness of the principle of non-use of force in international relations. It was the gross violations of that principle by countries like Turkey that had made it necessary to include that item in the agenda.

(Mr. Jacovides, Cyprus)

7. He had not made "unfounded and unjust accusations" in his earlier statement, nor had he gone into the substance of the Cyprus question. Fully conscious of the fact that the matter was being discussed in depth elsewhere, he had simply illustrated the point he was making on the item under discussion and had noted that Cyprus had been the victim of aggression, invasion and occupation resulting in the uprooting of more than a third of its population, gross violation of the human rights of its people and a systematic attempt to change its demographic composition, and that it had thus had bitter experience of the violation of the principle of non-use of force in international relations. His delegation therefore felt that there was ample room for improvement in the present legal situation with regard to the non-use of force. Furthermore, to the extent that political issues were relevant to the legal questions under discussion in the Sixth Committee, there was nothing in the rules of procedure or practice of the Committee to suggest that they should not be mentioned, although, in the present case, the sensitivity of the representative of Turkey was quite understandable.

8. He welcomed and fully reciprocated the Turkish representative's appeal for the creation of a climate of goodwill and mutual confidence in order to facilitate a just and lasting solution to the Cyprus problem. If Turkey withdrew its military bases from Cyprus, as it had repeatedly been called upon to do by the General Assembly and the Security Council, that would be tangible proof of its good intentions. Mutual confidence and goodwill resulted from actions, not words.

9. Mr. CHUNG (Viet Nam) said that the report of the Special Committee showed that the drafting of a world treaty on the non-use of force in international relations had been foremost among the concerns of almost all the members of that Committee. It was, in the view of his delegation, the essential task of the Special Committee. The preservation of future generations from the scourge of war and the maintenance of international peace and security were among the primary purposes set out in the United Nations Charter. Accordingly, Article 2, paragraph 4 of the Charter established the principle that Members of the Organization should abstain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner incompatible with the purposes of the United Nations. That was a principle of international law which profoundly marked the modern age.

10. In the 33 years since the signing of the Charter, however, the world had not known peace, and more than 100 colonial and neo-colonial wars had taken place in different parts of the world. Because of their aggressive nature and selfish interests, the imperialists, colonialists, and racists had not hesitated to use force against oppressed peoples exercising their inalienable right to self-determination. At the same time, they were feverishly amassing arms, engaging in war propaganda and strengthening their military alliances. However, the people, aware of their sacred right to struggle by all available means for their freedom and independence, were defying the imperialists, colonialists and racists.

(Mr. Chung, Viet Nam)

The peoples of Asia, Africa and Latin America, supported by the forces of socialism, justice and peace, had repeatedly defeated their oppressors. The collapse of the neo-colonial system was following that of the colonial system.

11. A process of relaxation of tension in international relations was now taking place. As the Vietnamese Minister for Foreign Affairs had stated on 4 October in the plenary General Assembly, the socialist countries, the national independence movement and the democratic struggle of workers in all countries were growing in strength and achieving one success after another. That was the main direction of the international situation in spite of the efforts of imperialism, supported by international reactionaries to hinder the forward march of mankind. Events constantly confirmed his delegation's faith in the possibility of preventing another world war and maintaining a lasting peace.

12. The history of the three decades since the end of the Second World War demonstrated that, in the era of the coexistence of different social systems, the principle of international law contained in Article 2, paragraph 4, of the Charter could only be realized in practice through constant struggle between opposing forces. The world was now at a stage in history where the new balance between the forces of peace and the forces of war permitted a strengthening of the principle of non-use of force, i.e. a strengthening of the condemnation of wars of aggression. Accordingly, the Soviet draft treaty on the non-use of force in international relations, which contained a commitment to use all available means under the United Nations Charter to facilitate the peaceful settlement of disputes between States, constituted an effective legal instrument which merited support.

13. As his country's Minister for Foreign Affairs had observed in his statement in the plenary General Assembly, Viet Nam was profoundly convinced that all differences between countries could be resolved on the basis of respect for independence, sovereignty, the territorial integrity of every country, equality and mutual interest. The forces of war sought to prevent that from happening, but international law was progressing steadily towards the realization of the principles of the Charter and, in particular, of the principle embodied in Article 2, paragraph 4. His delegation had therefore joined in sponsoring draft resolution A/C.6/33/L.7 calling for extension of the mandate of the Special Committee, and it hoped that a world treaty on the non-use of force in international relations would be drafted at the earliest possible date.

14. Mr. BAVAND (Iran) said that his delegation attached special importance to the enhancement of the principle of non-use of force and wished to stress the need for universal, effective application of that principle in international relations. The principle in question had been one of the pillars of the Covenant of the League of Nations, and it found wider expression in Article 2, paragraph 4, of the United Nations Charter as one of the main obligations of Member States and the corner-stone of the structure of international relations and of the international legal order.

(Mr. Bavand, Iran)

15. In the past 20 years, there had been growing concern for the progressive development and interpretation of the principle of non-use of force in keeping with the realities and needs of international security. The provisions of Article 2, paragraph 4, had been considered in connexion with the principles of international law concerning friendly relations and co-operation among States, in the report of the International Law Commission in connexion with the law of treaties, and in the definition of aggression adopted by the United Nations. Finally, the Security Council and the General Assembly had accumulated a wealth of jurisprudence resulting from discussions of the interpretation and application of Article 2, paragraph 4, in connexion with specific situations. The degree and type of violation of the provisions of that article had been discussed in concrete terms relating to the actual behaviour of the party deemed to have violated them in an abstract manner.

16. In recent years, there had been growing concern for the development of a binding, universal legal instrument under which a firm commitment would be made not to use force and not to intervene in any manner or circumstances in the internal affairs of other States. That unquestionably called for an adequate definition of the notion of force covering not only military force but also subversive economic force and other means of coercion, as had been emphasized in the recent Lusaka and Belgrade declarations of the non-aligned States. His delegation shared the view of the Chairman of the Special Committee that that task would call for some sort of revision of the Charter.

17. Analysis of the provisions of Article 2, paragraph 4, of the Charter revealed that it imposed two distinct obligations on Member States. One was the obligation to refrain from the threat or use of force in international relations against the territorial integrity or political independence of any State. The other was the obligation to refrain from the threat or use of force in any manner inconsistent with the purposes of the United Nations. The first of those obligations was limited in scope, but the second was much broader and applied in general terms to actions which hindered the maintenance of international peace and security, the exercise of the right of self-determination by peoples under colonial rule or foreign domination, and the development of human rights and international economic, social and humanitarian co-operation. It was that second part of Article 2, paragraph 4, which linked the principle of the non-use of force with the provisions of Article 1 of the Charter, including the principles of the sovereign equality of States and the self-determination of peoples. Those vital relationships must be taken into consideration in elaborating a legal instrument for enhancing the effectiveness of the principle of non-use of force.

18. At the previous session, his delegation had expressed the view that the Soviet draft treaty would provide a useful framework for comprehensive consideration of the principle of the non-use of force. It had supported the establishment of the Special Committee and now believed that its mandate should be renewed, as provided in draft resolution A/C.6/33/L.7.

19. Mr. McKENZIE (Trinidad and Tobago) said that, notwithstanding the precise nature of the rule of international law set forth in Article 2, paragraph 4, of the United Nations Charter, prohibiting the use of force, there had been, since the coming into operation of the Charter, more than 100 instances in which States had resorted to the use of force in their international relations. An examination of State practice in those instances revealed that most States sought to justify their use of force on the grounds of self-defence. In the view of his delegation, the use of the concept of self-defence as a basis for military action represented a deliberate effort by certain States to confuse world public opinion by blurring the distinction between the legal and illegal use of force. Therefore, one way to enhance the effectiveness of the principle of non-use of force in international relations would be to define the concept of "self-defence" in an international instrument, whether a treaty or a declaration, in order to eliminate the abuses to which it had been subject in the past.

20. In seeking to define what was meant by self-defence, the Special Committee would have to be guided by the basic principle expressed in Article 2, paragraph 4, of the Charter, which prohibited the threat or use of force by States against the territorial integrity or political independence of any State. Accordingly, any military action based on the argument of self-defence but involving the violation of another State's territorial integrity or political independence would be illegal or aggressive. The defining in an international legal instrument of the concept of self-defence would clarify for all time the juridical status of military actions such as hot pursuit on land. The exercise of military action by one State against another on the basis of the "hot pursuit on land" doctrine was illegal unless there was a specific treaty operating between the two States permitting such action against marauders fleeing from one territory to the other.

21. Another area in which a definition of self-defence would be distinctly relevant would be that of armed attack initiated by one State against refugee or guerrilla camps of a national liberation movement located in the territory of another State. Those attacks were normally based on a self-defence argument. However, if there was strict observance of the principle of contemporary international law prohibiting the use of force as provided in Article 2, paragraph 4, of the Charter, then such military operations must be condemned as illegal, since they involved the violation of another State's territorial integrity. That condemnation must be expressly stated in any treaty or other international instrument purporting to relate to the non-use of force and addressing itself to the issue of "self-defence".

22. His delegation joined others in calling for extension of the Special Committee's mandate so that it could hold another session in 1979.

23. Mr. BOLINTINEANU (Romania) said that history had shown that war and the use of force, far from settling disputes between States, only aggravated them and gave rise to new conflicts. Yet, despite the fact that the Charter of the United Nations prohibited the threat or use of force in international relations, in recent times there had been a renewed tendency to resort to the use of force, as States pursued goals of domination and of acquisition and consolidation of spheres of influence. In some cases, States had used military force and in others they had used economic means to reinforce monopolies and multinational corporations. Such negative phenomena constituted a serious threat to the independence and sovereignty of peoples. It was therefore absolutely essential that the international community should make every effort to implement the fundamental principles of contemporary international law in order to enhance the principle of the non-use of force.

24. The foreign policy of Romania, as actively implemented by its President, was characterized by a sustained effort to promote new relationships between States which would exclude the use of force thanks to the strict application of the principles of international law. In that context, Romania had proposed the conclusion within the framework of the United Nations, of a general treaty in which States would undertake to settle their disputes, of whatever nature they might be, solely by peaceful means; it had also proposed the establishment of a good-offices and conciliation organ under the authority of the General Assembly. His delegation supported any political and legal initiative in the United Nations that would strengthen and enhance the universal application of the fundamental principles of international law in general and the principle of the non-use of force in particular. As a member of the Special Committee, Romania had closely followed its work and felt that its report (A/33/41) represented a good beginning.

25. The Special Committee's task consisted essentially in translating into legal terms those concepts which most broadly reflected the demand of the international community for the effective, absolute, universal implementation of the principle of the non-use of force in international relations in accordance with the progressive development of international law. Obviously, that was a very complex task, and it must be undertaken with a great sense of responsibility and in a constructive spirit of co-operation. The mandate of the Special Committee should be extended, and his delegation had therefore joined in sponsoring draft resolution A/C.6/33/L.7.

26. His delegation agreed with others that the world treaty on the non-use of force in international relations to be elaborated by the Committee should be an effective legal instrument. It should reflect as faithfully as possible the progressive development of international law, particularly as embodied in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, the definition of Aggression and the Final Act of the Conference on Security and Co-operation in Europe. The principle of the non-use of force was an integral part of the principles of international law concerning relations among States. The Declaration on Principles of International Law and the Final Act of the Conference on Security and Co-operation in Europe expressly mentioned the interdependence between the principles they defined. No consideration of a

(Mr. Bolintineanu, Romania)

political, economic, military or other nature could justify any restriction on the application of those principles in general or of the principle of the non-use of force in particular. In the preparatory work for the Vienna Convention on the Law of Treaties, it had been unanimously agreed that the principle of the non-use of force was a part of jus cogens gentium. Consequently, no international agreement could abrogate that principle. The Special Committee should take that fact into account in its work.

27. His delegation also agreed with those who had expressed the view that the enhancing of the principle of the non-use of force entailed obligations in the field of disarmament. In view of the particularly serious threat represented by nuclear weapons, there should be a provision establishing the obligation of States possessing such weapons not to use them or threaten to use them against non-nuclear States. Provision should also be made to require nuclear States not to use such weapons between themselves. In the same context, there should be a reaffirmation of the obligation of States to continue disarmament negotiations in good faith, with priority given to nuclear disarmament, the ultimate goal being the achievement of general and complete disarmament.

28. The effectiveness of a treaty on the non-use of force would be enhanced by a definition of the concept of force that would include acts that were incompatible with the purposes of the United Nations as well as political, economic and other types of pressure. In that regard, it would be well to bear in mind the provisions of the Charter of Economic Rights and Duties of States and the Final Act of the Conference on Security and Co-operation in Europe. Furthermore, recognition of the illegality of the acquisition of territory by force should be included within the framework of the progressive development of international law.

29. Particular attention should be given to defining the right of self-defence, which included the right of peoples under colonial or other foreign domination to resort to armed struggle for their liberation. In addition, as precise a definition as possible should be made of acts that constituted force, such as acts against the territorial integrity and political independence of States and the occupation of foreign territory by force; that would mean following the system used in the definition of aggression.

30. In order to increase the effectiveness of the work of the Special Committee, it was important to have a clear idea of the relationship between the principle of the non-use of force and the principle of the peaceful settlement of disputes. The peaceful settlement of disputes was both a result of the prohibition of the use of force and a measure that prevented the use of force. Nevertheless, the two principles were different and had different spheres of application. The non-use of force was, essentially, an obligation of abstention, a negative obligation, whereas the principle of the peaceful settlement of disputes, which was an essential function of the United Nations, entailed the obligation to undertake positive action consisting of the use of appropriate peaceful means for the settlement of international conflicts. In view of the different nature and scope of the two

(Mr. Bolintineanu, Romania)

distinct principles as well as the fact that they were defined separately in the Declaration on Principles of International Law and the Final Act of the Conference on Security and Co-operation in Europe, his delegation had reached the conclusion that the Special Committee should confine itself to examining the obligation to settle disputes exclusively by peaceful means envisaged in Article 33 of the Charter, using as a model the documents to which he had just referred. Because of its distinct character and its importance, the principle of the peaceful settlement of disputes should be codified separately, both as regarded a detailed definition of its elements and as regarded the procedures and mechanisms of peaceful settlement as they had been developed in the practice of States, particularly in connexion with the use of negotiation and other similar means.

31. In addition to legal and logical considerations, there were considerations of a practical nature to be borne in mind, since it was important to avoid overlapping between the work of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

32. As a member of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, his delegation would make every effort to enable it to fulfil its mandate. It must elaborate instruments of a binding nature that would define and develop the fundamental principles of international law, particularly the principle of the non-use of force. Because of his delegation's conviction that new, categorical and specific commitments must be undertaken in that regard, it had proposed the elaboration of a European treaty on the non-use of force. Romania was firmly committed to the strengthening of the role of law in international relations and attached great importance to legal instruments that would contribute to the elimination of force in international relations, to the building of true security for all peoples, and to the establishment of a new international order based on peace, justice and equality among all nations.

33. Mr. NOOR (Afghanistan) said that despite the difficulty of the Special Committee's task, it had carried out its work satisfactorily and produced a very useful report.

34. The idea of elaborating an international instrument to enhance the effectiveness of the principle of non-use of force in international relations had been supported by an overwhelming majority of States and had been deemed essential to the maintenance of international peace and security. However, some delegations had expressed a negative viewpoint, arguing that any world treaty on the subject would be futile and would be a repetition of certain provisions of the United Nations Charter. They had even expressed doubts concerning the mandate of the Special Committee, saying that other bodies had dealt with the matter and that such a treaty would weaken the provisions of the Charter and the role of the Organization. Although the principles of non-use of force, peaceful settlement of disputes and collective security were included in the Charter, they were not

(Mr. Noor, Afghanistan)

being implemented fully. Therefore, the proposal for a treaty was timely and, rather than weakening the Charter, would strengthen it and the role of the Organization.

35. The idea of a universal international instrument, binding on all States, had been recognized by the non-aligned States in 1970 at their meeting in Lusaka, in which his country's delegation had actively participated. The non-aligned countries had contributed significantly to the relaxation of tensions and the solution of international problems through peaceful means.

36. The treaty on the non-use of force should not confine itself to banning the threat or use of armed force; it should give a clearer and broader definition of "force" and "threat of force" that would include political and economic pressures in international relations. For example, an economic blockade was an act of aggression, and the proposed Treaty should treat it as such. The issue was of great importance to the land-locked developing countries, including his own. Imposing economic and political pressures or blockades on a land-locked country, including the barring of its free access to the sea, adversely affected its economic interests. In that connexion, he wished to state that he had no single country or region in mind but wished to plead the cause of all land-locked and geographically disadvantaged countries. He was confident that the Special Committee would bear those considerations in mind.

37. His delegation, like many others, believed that the treaty on the non-use of force or threat of force should in no way affect the rights of States to self-defence, as enshrined in Article 51 of the Charter. Also, it must not prejudice the legitimate rights of peoples struggling against imperialism, colonialism, racism, apartheid and aggression of any kind. It must contain provisions on the fundamental principles of non-interference in the internal affairs of States, respect for the independence, territorial integrity and national sovereignty of States, equality and peaceful coexistence. It should also bear in mind the right of States to exercise full and permanent sovereignty over their natural resources.

38. His delegation believed that the mandate of the Special Committee was clearly defined in paragraph 2 of General Assembly resolution 32/150. The mandate was a broad one and could be made even broader if the Sixth Committee deemed it necessary and appropriate to do so.

39. The question of the peaceful settlement of disputes and that of collective security were closely linked to the question of the non-use of force. It was both logical and proper that they should be considered together in one committee.

40. The draft world treaty submitted to the Special Committee by the Soviet delegation was acceptable to his delegation. Together with the proposals submitted by other States, it provided a solid basis for the work of the Special Committee. He agreed with other delegations that the Special Committee should be given sufficient time to study carefully the various proposals of States and international organizations. His delegation was a sponsor of draft resolution A/C.6/33/L.7 and hoped that it would be adopted by consensus.

41. Mr. KHLESTOV (Union of Soviet Socialist Republics) said that a number of conclusions could be drawn from the wide-ranging and fruitful discussion in the Committee on the item under consideration. Firstly, the fact that many delegations had referred to the need for strengthening the principle of non-use of force in international relations and had called for strict compliance with that principle in the day-to-day practices and policies of States, showed once again that the question of drafting a world treaty on the non-use of force had caught the attention of all delegations of the United Nations and was one of the most acute and burning issues of the contemporary world.

42. Secondly, all delegations had favoured the continuation of the work of the Special Committee so as to enable it to perform the tasks assigned to it. That was a further affirmation by States of their desire to ensure that the Special Committee drafted the necessary proposals and provisions to help enhance the principle of non-use of force in international relations and to ensure the implementation of that principle by States. Many delegations appeared to express the wish that the Special Committee should take more positive steps towards the more effective performance of the tasks assigned to it and should carry out its work as expeditiously as possible.

43. Thirdly, an overwhelming majority of the delegations participating in the discussion had given a positive response to the idea of concluding the proposed treaty and had put forward convincing arguments relating to the political and legal aspects of the issue. Admittedly, a number of delegations had questioned and even objected to the idea of drafting such a treaty, and their views should be respected. However, their arguments in support of their position had not been sufficiently convincing. In particular, his delegation had been surprised by the irrelevant arguments used by the representative of the United States in attempting to justify his opposition to the drafting of a world treaty. The Sixth Committee, as a legal body, required weighty legal arguments in support of any thesis.

44. Fourthly, many delegations had noted that the draft treaty submitted by the Soviet Union constituted a good basis for further work. The view had been expressed that some provisions of the Soviet draft needed to be supplemented or clarified. That possibility would require careful analysis by the Special Committee at its next session, which was a further reason why the Special Committee should be enabled to continue its work effectively, taking account of all points of view.

45. He expressed the hope that draft resolution A/C.6/33/L.7 would receive Committee's support.

46. Mr. KOROMA (Sierra Leone) said that his delegation's interest in the question of the non-use of force in international relations was more than theoretical, as had been demonstrated at the summit meeting of the West African Economic Community held in Lagos in April 1978, at which a protocol on non-aggression had been adopted whereby members of the Community agreed not to attack one another and to recognize their existing international boundaries as definitive. That position was

(Mr. Koroma, Sierra Leone)

based on the conviction that, if peace reigned among members of a region, mutual co-operation and neighbourly relations could be ensured and each State could apply its resources to maximum economic and social development. In a nuclear age, with the increase in weapons of mass destruction, the importance of that question could not be overemphasized.

47. The Charter of the United Nations had originally been signed to prevent war and to achieve a short of negative peace. While Article 2, paragraph 4, of the Charter had not lost any of its relevance or importance, such a negative peace could not be reconciled with the presence of intolerable injustice. The Chairman of the Special Committee had recognized as much in his introductory statement and had raised the possibility that under the Charter, in certain circumstances, existing illegal régimes could be overthrown by any means possible. That position appeared to be in line with the Charter and with the current thinking of the international community as a whole.

48. The fear had also been expressed that a new world treaty on the non-use of force in international relations might weaken the provisions of the Charter. It should be understood that such a treaty, if ratified by all members of the international community, should not detract from the principles of international law relating to the non-use of force in international relations. Even if it was not ratified by all members of the international community, those who did not ratify it could not use that fact as a pretext for derogating from the principle of non-use of force in international relations. Such a treaty could clarify and confirm the customary rules of international law, which were binding on the international community as a whole. His delegation believed that its adoption would strengthen the Charter and was an effort deserving of support. It was for that reason that his delegation had decided to join in sponsoring draft resolution A/C.6/33/L.7.

49. Mr. KIRSCH (Canada), referring to the statement made by the representative of the Soviet Union, said that it seemed paradoxical that a delegation which had played a leading role in support of one point of view in a debate should consider itself able to act as a judge of that debate and to define objectively the major trends and the degree of support which they enjoyed. Even given a genuine effort to exercise objectivity, it was highly unlikely that any delegation would be able to present the debate in a light which did not reflect its own interests to some degree. The Soviet representative had described positions in a way which simplified and to a certain extent, distorted them. To speak, at the current stage, of overwhelming support for the Soviet draft treaty reflected a view of the situation with which his delegation could not agree. Neither support for the renewal of the mandate of the Special Committee nor support for the drafting of an instrument on the non-use of force in international relations necessarily signified support for the Soviet draft. In the course of the debate, a wide range of opinions and subtly differing views had been expressed which had not been reflected in the Soviet delegation's summary of the debate.

50. Mr. CUEVAS CANCINO (Mexico), Chairman of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, said that, in introducing the Special Committee's report, his intention had been to acquaint the Sixth Committee with the real problems confronting the Special Committee. He had not thought it advisable simply to request an extension of the Special Committee's mandate but had sought to enable it to carry out its mandate as effectively as possible. Whereas at previous sessions the Sixth Committee had concentrated on the major principles of law applicable to the question, the current debate had taken account of the true difficulties facing the Special Committee and the specific obstacles which must be overcome in order to give the principle of non-use of force in international relations an application which went beyond Article 2, paragraph 4, of the Charter.

51. The debate in the Sixth Committee seemed to demonstrate the existence of a majority in favour of the drafting of a treaty similar to that proposed by the Soviet Union. It was also clear that a majority of members considered that a treaty which did not enjoy the same solid unanimity as the Charter would be counterproductive. The legal and practical problems that would be posed by a treaty which did not enjoy the firm and total support of the permanent members of the Security Council would nullify all the efforts of the Special Committee. Accordingly, the Special Committee had adopted the rule of unanimity and, aware of the magnitude of the problems involved, would proceed with all necessary caution in order to avoid solutions which complicated still further the prohibition of the use of force in international relations.

52. It was his desire that the future work of the Special Committee should be constructive. Accordingly, rather than explain why a solution such as that offered by the Soviet draft treaty was not feasible, delegations should suggest ways of overcoming the serious difficulties facing the Special Committee. For example, many references had been made to the peaceful settlement of disputes, and at times the Sixth Committee had appeared almost to be embarking on a point-and-counterpoint exercise. One delegation had even endeavoured to establish a difference between his own position and that adopted by the delegation of Mexico in the Sixth Committee at the thirty-second session. Of course, it could be argued that the actions of a delegate when, as Chairman of a Committee, he endeavoured to define the wishes of the majority were quite different from his actions when he was expressing the views of a specific delegation. It should be noted that a number of delegations which had drawn attention to that apparent dichotomy had also criticized those individuals who, in exercising the office of Chairman, had instead of demonstrating impartiality, sought to impose the views of their own delegations. The question of the peaceful settlement of disputes was obviously an integral part of the Soviet draft and was referred to specifically in article II. What he objected to was the use of that question in order to prevent the Special Committee from continuing its work and from contributing to the prohibition of the illegitimate use of force in international relations.

53. The adoption of draft resolution A/C.6/33/L.7 would be regarded as a vote of confidence in all members of the Special Committee. He would do everything possible to live up to that confidence. The task of the Special Committee was

(Mr. Cuevas Cancino, Mexico)

complicated by the wide divergence of views among its members. It might begin by endeavouring to improve procedures for the application of Article 2, paragraph 4, of the Charter. The delegations of Ecuador and India, for example, had noted the possibility of beginning by defining force in international relations. Once that had been done, the Special Committee could elaborate specific measures to prevent its use. Although many were prepared to condemn the use of force as an instrument of national policy, few were prepared to go any further by suggesting ways of dealing with the problem. The prohibition of the use of force in international relations would require an effort similar to that made in the nineteenth century in abolishing slavery.

54. He assured the Committee that he would do everything possible to enable the Special Committee to fulfil its mandate.

55. The CHAIRMAN announced that Nicaragua had become a sponsor of resolution A/C.6/33/L.7 and that the Committee had concluded its general debate on the item.

The meeting rose at 12.50 p.m.