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PROHIBITION ON THE USE OF FORCE

Text of Statement to be made by the Canadian Representative, Mr. Paul Beaulieu, in Plenary, on Item 92: Strict Observance of the Prohibition of the Threat or Use of Force in International Relations, and of the Right of Peoples to Self-Determination, Nov. 30, 1966

The new draft resolution (A/L.501) now before the Assembly replaced three drafts (A/L.493, A/L.495 and A/L.498) introduced a few weeks ago by different groups of delegations. It hardly seems worth while to go back over the misgivings which the original drafts brought forth, both by their substance and the tone of discussions they brought about. Together with some delegations, Canada had co-sponsored a draft (A/L.498) which we had hoped would help to set this important question in proper perspective and possibly command large support.

We believe that the best outcome of our discussions would be to adopt a simple and straightforward resolution which would achieve among other objectives the two following ones:

1) Recommend that the two principles on the prohibition of the use of force and the right of self-determination be given priority treatment in the future elaboration of the principles of international law concerning friendly relations; and

2) Ask the Secretary-General to include all the records of this particular debate, together with the various proposals and suggestions that have been advanced, in the documentation that will be considered further in the study of this principle.

As you are aware, Mr. Chairman, the three groups have agreed to meet in consultation in the hope of bringing nearer their points of view. Numerous and difficult consultations held last week by the three groups have enabled us to agree on the wording now before us.

It is not my intention to comment in detail on the new draft resolution. This task has been done with authority and clarify by the Chairman of our working committee, the distinguished representative of Austria.

I should like to emphasize section (B) of the resolution (A/L.501) which seeks to express the need for a formulation of principles of international law concerning friendly relations and co-operation between states. As the delegations are aware, Canada joined with other countries to introduce in this Committee proposals directly linked with the issue now under discussion. We also are aware that the Sixth Committee in its time has tackled many legal subjects with various serious and far-reaching political overtones. It is already seized of an item (Agenda Item 87) which embraces both of the concepts raised by this debate: (1) the principle that states shall refrain in their international relations from the threat or use of force in any other manner inconsistent with the purposes of the United Nations; and (2) the principle of equal rights and self-determination of peoples. These two principles have been the subject of detailed consideration before the Sixth Committee and by the Special Committee on Friendly Relations for over two years. Canada believes it would be an important accomplishment if the Special Committee, assuming its mandate be extended, were able to agree on formulations in terms of international law of seven Charter principles on Friendly relations, including the two principles referred to above. After all, it was through a decision of the General Assembly that / were asked to consider these principles. We should let that committee and other organs of the United Nations get on with their work and wish them success. /the Sixth Committee and the Special Committee on Friendly Relations/

It seems to us that this would be the most appropriate course to follow. It would ensure that all the views and all the proposals made here will be taken into account by the bodies best equipped to deal with these two principles and further that the principles themselves will receive priority treatment. It is with this in mind that Canada insisted on including the two paragraphs in section (C) of the new wording. In the course of consultations, we have upheld the view that the political nature of the draft resolution section (A) in no way prejudices the judicial consideration which will be undertaken nor the future codification. We have also been given clear understanding that this point of view has received general agreement.

As my delegation attaches great importance to the interpretation of this draft resolution, particularly to paragraphs in section (A), /it as a re-affirmation of the purposes and principles of the Charter as well as of resolutions 1514 and 2131 which we continue to support as an expression of the political will of the Assembly.

Mr. Chairman, taking the preceeding remarks into account, the Canadian Delegation was happy to co-sponsor the new draft. There remains only for me to express my most sincere congratulations to the representatives of the various groups who have

/we should like to describe

participated in the negotiations. All have shown a spirit of understanding and a determination to find in harmony a solution which, though it may not be ideal, achieves the purposes we were striving for. I think I should emphasize here the considerable contribution of the chairman of our working committee, Dr. Waldheim, who, by his untiring patience and his imaginativeness in bringing forth suggestions, has made possible the agreement of the various groups to a common wording.