

United Nations
**GENERAL
ASSEMBLY**

THIRTY-FIRST SESSION

Official Records *



FIRST COMMITTEE
13th meeting
held on
Monday, 26 October 1976
at 10.30 a.m.
New York

VERBATIM RECORD OF THE 13th MEETING

Chairman: Mr. JAROSZEK (Poland)

CONTENTS

Conclusion of a world treaty on the non-use of force in international relations (continued)

* This record is subject to correction. Corrections should be incorporated in a copy of the record and should be sent *within one week of the date of publication* to the Chief, Official Records Editing Section, room LX-2332.

Corrections will be issued shortly after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.1/31/PV.13
27 October 1976
ENGLISH

76-71075

The meeting was called to order at 10.50 a.m.

AGENDA ITEM 124 (continued)

CONCLUSION OF A WORLD TREATY ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS
(A/31/243, A/C.1/3/L.3)

Mr. TREPCZYNSKI (Poland): The Soviet initiative for the conclusion of a world treaty on the non-use of force is of fundamental importance to the future development of international relations. The proposal opens up a possibility to eliminate once and for all military conflicts from international life and to base relations among all States of the world on lasting, peaceful principles.

The cardinal and high priority problem of today, and one which calls for an urgent, radical and comprehensive solution, continues to be that of war and peace and the ensuing need to ensure for all nations permanent security and development. The pre-eminent condition for resolving these problems is full and genuine renunciation of the threat or use of force by all States in their mutual relations on a bilateral, regional, continental and global scale. It is for these reasons that the Government of the Polish People's Republic welcomes the Soviet proposal with gratification and appreciation.

By putting forward, and not for the first time, an initiative so important to the whole of mankind, the Soviet Union has once again proved how profoundly the policy of the Government of the USSR and of the Communist Party of the Soviet Union is imbued with an aspiration to consolidate peace and international security.

The detailed elucidation and substantiation of the proposal, as submitted during the recent general debate of the 31st session by the Minister for Foreign Affairs of the USSR, Mr. Gromyko, was further developed yesterday in this Committee by the Chairman of the Soviet delegation, First Deputy Minister for Foreign Affairs, Mr. Kuznetsov. We listened to his statement with great attention.

What are the objective premises making the prohibition of the use of force possible? In the view of the Polish delegation, the Soviet proposal emanates from historical experience; it is in close relationship with legal and political instruments governing international relations and fully coincides with the main trend of the international situation, that of détente and ever more universal craving for peaceful co-operation among nations.

(Mr. Trepczynski, Poland)

Recent decades have shown that the use of force in international relations resulted in tragic consequences and that history passed severe verdicts upon those who had made it an instrument of their policies. Let the fate of the Hitlerite Nazis and fascists in the Second World War be an eternal memento to all aggressors. Also, each subsequent attempt to impose solutions by means of force has ended in failure for its perpetrators. That was the case in Korea, in Indo-China and in the Middle East. The imperialist cold-war policy from a position of strength has likewise broken down. Colonialists who tried to use force to oppose the legitimate struggle of peoples for their freedom and independence have suffered their defeats, too. In spite of military efforts and political and economic pressures, the decolonization process is nearing its end. By the same token, no force will ever save the white minority régimes in Rhodesia, Namibia and South Africa from the earliest possible transfer of power to the African populations of these lands.

On the one hand, the continuing arms race and the resulting accumulation of vast inventories of weapons of mass destruction account for the fact that attempts to impose solutions by means of force may bring about incalculable consequences, including the risk of a nuclear catastrophe. On the other hand, the existing relationship of forces on a global scale; the Soviet-American dialogue; the determined efforts of numerous socialist, non-aligned, neutral and other States towards safeguarding peace; realistic tendencies towards relaxation of tensions in the policies of many Governments - all this combines to create a situation in which the use of force for the settlement of inter-State disputes is becoming ever more absurd and indeed is bound to fail.

Recent developments have borne out that negotiations, taking due account of the interests of all the parties concerned and seeking sound compromises, are the only correct and effective way of resolving international conflicts. Suffice it to recall the normalization of relations in Europe or the ending of war in Viet-Nam. There is also a growing conviction that the only possible solution to the Middle East conflict can be one of a political nature, with the participation of all the interested parties at the Conference in Geneva.

(Mr. Trepczynski, Poland)

Therefore we are certain that in our time the policy from a position of strength has been discredited once and for all. At this stage, although areas of tension continue to exist, nowhere in the world is there a single open inter-State armed conflict, as conceived in its old, traditional sense. Objective, favourable conditions have thus emerged to make the principle of non-use of force a universally binding rule.

The principle of the non-use of force has its reflection in the practice of international relations. Efforts to implement an international prohibition of the use of force were undertaken after the First World War. Although they failed, the political and legal concept of the non-use of force revived towards the end of the Second World War. It was laid at the foundation of the Charter of the United Nations and today is even more timely than ever before.

Non-use of force in relations among States has a history of its own in our Organization. Not only has it been enshrined in the United Nations Charter, but it has also been reaffirmed in the Declaration on the Strengthening of International Security of 1970, in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations of the same year, as well as in the 1972 General Assembly resolution on non-use of force in international relations and permanent prohibition of the use of nuclear weapons.

The present Soviet proposal combines, in the form of an international treaty, both the latest experiences and legal and political concepts worked out in this field as well as new ideas ensuing from current international developments. It is also important that the submission of the draft treaty follows the approval by the United Nations of the definition of aggression and the success of the Conference on Security and Co-operation in Europe, that it comes at a time of the growing role of the developing countries in their efforts to strengthen international peace and security, as expressed inter alia in the important decisions of the fifth conference of Heads of State or Government of non-aligned countries in Colombo.

All these documents and other decisions adopted lately in international bilateral and multilateral relations emphasize the significance of non-use of force as a fundamental and universal principle of international security. Respect for the non-use of force is an indispensable prerequisite of the effectiveness of other important principles, such as territorial integrity, sovereignty, equality of States, non-interference in the internal affairs of other States, and peaceful settlement of disputes. Hence the signing and implementation of the proposed treaty would indeed create additional guarantees for the respect of these principles.

(Mr. Trepczynski, Poland)

The practical significance of the draft treaty resides in the fact that, by reaffirming and consolidating the principle of the non-use of force, as laid down in the Charter of the United Nations, it imposes additional obligations on States to ensure that the principle is respected: this is fully justified, since the principle in question is not consistently observed in present-day relations among States, a fact which cannot but also affect the peace-keeping activities of the United Nations. We are confident that the broader the scope of the principle of the non-use of force in bilateral and multilateral international agreements, the stronger the roots it will have in the practice of international life.

That is why the Minister for Foreign Affairs of the Polish People's Republic, Stefan Olszowski, stated in the general debate of our Assembly last month that "further collective efforts are necessary to turn this principle into a universally binding and practically applicable rule of international law".

The principle of the non-use of force must be of a universal character. To be really effective, it should be binding in all spheres of international relations and on all States, irrespective of size, geographical location and socio-economic system. Its role, then, is one of a factor normalizing international relations on a durable and democratic foundation of sovereign equality. Consequently, it is an essential element of peaceful coexistence of States.

The inclusion of the principle of the non-use of force in the treaties between the socialist States and the Federal Republic of Germany, along with the provisions concerning the inviolability of the existing frontiers in Europe, made it possible for those States to normalize and expand their over-all relations. The principle was incorporated into the Final Act of the Helsinki Conference on Security and Co-operation in Europe -- a fact which is particularly important in the light of the situation prevailing in that region of the world, characterized as it is by the existence of two opposing military and political groupings and the stockpiling of enormous quantities of weaponry, including means of mass annihilation.

Under these circumstances, the principles of the non-use of force and of the inviolability of frontiers and territorial integrity represent important implements for ensuring peaceful coexistence and building up mutual confidence.

(Mr. Trepczynski, Poland)

We are pleased to see that the documents emanating from the Conference of Heads of State or Government of Non-Aligned Countries held at Colombo and statements on this point by a number of non-aligned countries take proper account of the new character of international relations. The Political Declaration of the Colombo Conference reads, inter alia:

"The Conference noted with satisfaction that the principles of peaceful coexistence advocated by the Non-Aligned Movement as the basis for international relations had won widespread recognition from the world community."

The young developing countries have special reasons to be interested in the practical application of the international principle of the non-use of force. For, the more international relations are rid of the threats of force and all kinds of pressures, the more democratic they are and the more favourable will be the conditions for speeding up the economic and social development of those countries. Prohibition of the use of force will undoubtedly result in a reduction of military expenditures, thereby releasing additional resources for development. A treaty on the non-use of force will ensure all States, whether small, medium-sized or big, the same rights and equal duties. It will, therefore, contribute to the strengthening of equitable international relations, in conformity with the postulates of the Colombo Conference.

It is the considered view of the delegation of Poland that the conclusion of a world treaty on the non-use of force would also be conducive to the implementation of a number of ideas recurrent in the general debate of this thirty-first session, especially those expressed by the developing countries with regard to the necessity of extending the process of *détente* to all parts of the world.

Naturally, as was stressed yesterday by the representative of the USSR, Deputy Minister for Foreign Affairs Vasily Kuznetsov, the conclusion of a world treaty on the non-use of force would in no way prejudice the legitimacy of the struggle of colonial peoples for their freedom and independence and would in no way affect the right of States to individual and collective self-defence, as embodied in the Charter of the United Nations.

The draft world treaty on the non-use of force in international relations is before us. The specific provisions of the draft are in keeping with the universality of the principle of the non-use of force.

(Mr. Trepczynski, Poland)

Article I of the draft provides for a prohibition of the use of force by all States under any pretext. Such a prohibition is approached in a comprehensive way and it applies to political, military or any other form of the use of force, alien to the purposes of the United Nations. The objective of legal international protection against the use of force, as set forth in the draft, is both individual security of States -- that is to say, their territorial integrity and political independence -- and broadly conceived international security. With this in view, the draft provides for a prohibition of the use of all kinds of weapons, including nuclear or other types of weapons of mass destruction, in all environments -- on land, under water, in the air or in outer space.

(Mr. Trepczynski, Poland)

The proposed prohibition of the use of force, which in its strict sense is not a disarmament measure, can be an important collateral measure contributing to a better atmosphere and increased mutual confidence among nations, so indispensable for the solution of specific disarmament problems. The latter assumes special relevance in the context of nuclear weapons. It is with concern that we note increasing possibilities of the further proliferation of these weapons, linked as it is to the over-all progress in nuclear technology. This being the case, the assumption of new obligations by States, providing for the non-use of force -- construed, among other things, as non-use of nuclear weapons -- can prove to be an incentive to arrest this process or at least to render questionable reasons advanced by States concerned to obtain nuclear weapons. At the same time, the introduction of a strict prohibition of the use of force may become an important instrument in preventing surprise attack.

The Soviet draft offers possibilities of recourse to different mechanisms of the peaceful settlement of disputes, in accordance with the Charter of the United Nations. Parallely, Article II ensures that States can use "other peaceful means of their own choice, including any settlement procedures agreed to by them". Such a course of action would inspire States to hold consultations and seek peaceful settlement of disputes.

Once on this subject, I deem it appropriate to stress the importance of political consultations among States as a preliminary measure in order not only to prevent disagreement in their mutual relations, but also to contribute to the growth of mutual trust and co-operation in solving current international problems. The usefulness of consultations as an instrument of détente and co-operation has been stressed in the Final Act of the Conference on Security and Co-operation in Europe, especially in its decision to hold successive multilateral consultations in Belgrade, next year.

Poland for one makes extensive use of that form of relations and co-operation with almost all European States and its numerous partners outside Europe.

Non-use of force in international relations is in the interest of all States which wish to base their security not upon the notion of the "balance of fear", but rather on a growing sense of mutual trust and promotion of development of broadly

(Mr. Trepczynski, Poland)

conceived co-operation as a material foundation of peaceful coexistence. Small and medium-size States ought to be particularly interested in the conclusion of a treaty on the non-use of force, since -- history teaches us -- they are usually first to fall victims of aggression.

This principle of non-use of force in international relations is one of the basic guidelines of the foreign policy of Poland and, for that matter, of the entire community of socialist States. We fully respect this principle and would only wish for it to be likewise respected by all other States. It is for these reasons and due to our tragic historical experiences, that we lend our firm support to the Soviet initiative to conclude such a world treaty.

The same considerations determine the position of the Polish delegation on the draft resolution before us. A comprehensive prohibition of the use of force, combined with the obligation to seek peaceful settlement of disputes and joint action in the field of disarmament, account for the fact that implementation of the proposed treaty may be of significant importance for the functioning of the United Nations and enhancing the role of our Organization in preserving peace and strengthening international security.

The Polish delegation therefore lends its full support to the adoption of the draft resolution contained in document A/C.1/31/L.3, since it offers timely possibilities for further discussion and elaboration in the United Nations of the proposed world treaty on the non-use of force. This important new subject will no doubt have a positive impact upon the work of the United Nations and the growth of its prestige.

There is great merit in the course of action provided for in the draft resolution, because it affords every Member State an opportunity to study the Soviet proposal in detail, to acquaint themselves with all of its features and hold bilateral and multilateral consultations in order to take a final position. In so saying, we realize that our present discussion in the Committee at this stage may not exhaust all the aspects of the important issue at hand. A year from now, at the thirty-second session, we shall be richer by the discussions we are going to conduct as well as the materials and conclusions to be submitted as a result of our present debates, and shall be in a position to take a decision as to the further course of action.

(Mr. Trepczynski, Poland)

Owing to the great significance of the subject, we trust that most favourable conditions to discuss the matter and further elaborate on it will be created within the United Nations. The Polish delegation believes that the resolution we are going to adopt will indeed secure such conditions.

Mr. HOVEYDA (Iran): Permit me at the outset to congratulate you warmly, on behalf of my delegation, upon your unanimous election to the important post of Chairman of this Committee. You and I have had many occasions to co-operate, and I am convinced that under your able guidance the Committee will achieve constructive results. I would like also to extend congratulations to the distinguished Vice-Chairmen and Rapporteur of the Committee upon their well-deserved election to their respective posts.

The use of force in international relations has been a perennial and intractable problem confronting mankind. Much scholarly thinking has been devoted to explaining its causes and continuing diplomatic effort has been exerted towards its eradication. Indeed, the creation of the United Nations itself was premised on the expectation that a new era of peaceful coexistence among States was about to dawn. The United Nations was envisaged as the harbinger of a period of peace and harmony in actions governing interstate relations.

The realization, however, that despite these aspirations the use or threat of force is still resorted to as an instrument of national policy should convince us all of the wisdom of renewing efforts to banish the use of force from the realm of interstate conduct. And it is against this background that we welcome the Soviet initiative in proposing the conclusion of a treaty on the non-use of force in international relations. In our opinion, the ideas developed in the draft treaty are indicative of the international community's desire to achieve a world devoid of conflicts.

(Mr. Hoveyda, Iran)

The pursuit of peace has equally been a continuing and major pillar of Iran's foreign policy. In fact my country's national independent policy is predicated upon the basic principle of coexistence and understanding among all countries of the world. Therefore, in principle, my Government finds itself satisfied with the basic ideas contained in the proposal before us. Needless to say, as far as the substantive content of the draft treaty, and the modalities of its implementation as well as the legal implications are concerned, these are matters which will require closer consideration and scrutiny at a later time. At the present time, my delegation can only make a few general and very preliminary remarks regarding the draft treaty, since more time is needed to make a thorough study of the issues involved.

In the first place, it is abundantly manifest that renunciation of the use of force is a fundamental principle that undergirds the whole elaborate framework of the United Nations Charter and flows directly from the obligations undertaken under Article 2, paragraph 4 of the Charter. We are also all aware that this principle has been further developed not only within the confines of the United Nations but in other fora as well and the record of these efforts has been duly documented. The conclusion that overwhelmingly emerges from a review of the evolution of this idea is that what is needed is not only the definition of the desired end but the delineation of the means required to achieve it as well. For otherwise, as we pointed out during discussion of the Soviet proposal on this question in 1972, how could such a treaty bring States to adhere to certain modes of behaviour, any more than they have been willing to do with respect to similar obligations under the Charter?

Another point to be noted is that the elimination of the use of force from international relations calls for the removal of the root-causes of international tension and strife which breed the conditions that lead to armed conflicts. It is, therefore, incumbent upon the international community to identify and eradicate the sources of such conflicts. By doing so, we will have moved closer to establishing the preconditions for enabling nations to coexist in a world characterized by peace and security - where recourse to the use of arms is, ipso facto, no longer necessary.

(Mr. Hoveyda, Iran)

Now, if peace and security are to be achieved in this strife-torn world, it is imperative that disputes be settled not by resorting to force but by employing mechanisms that would facilitate peaceful settlement of such disputes. Hence, efforts must be forthcoming to promote conditions which would be conducive to peaceful resolution of disputes, particularly as envisaged in Article 33 of the United Nations Charter. It is pertinent, therefore, that the draft treaty would have the contracting parties reaffirm their obligation to settle disputes arising among them by peaceful means in conformity with the United Nations Charter.

Another point bears emphasizing. According to the view generally prevalent among Member States, there is only one exception to the requirement under paragraph 4 of Article 2, that all Members refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. That exception is the principle of the inherent right of individual or collective self-defence as enunciated in Article 51 of the Charter.

While in the present draft there is no specific reference to Article 51, the proviso to the effect that nothing in this treaty shall affect the rights and obligations of States under the United Nations Charter, must be seen to encompass also the right of self-defence. Obviously, the concept of renunciation of the use of force in international relations cannot be stretched to the extent that it would in any way restrict this legitimate right which States inherently enjoy.

It should be apparent to all that any discussion regarding the non-use of force is directly related to the means available to employ the use of force. The question of non-use of force is thus integrally linked with the field of disarmament. For if the adoption of the principle of the non-use of force is confirmed in theory and is duly translated into action, general and complete disarmament should follow as a logical derivative of this process.

In this connexion, it is well to remember that such a comprehensive notion of the non-use of force as embodied in the present draft, must presuppose its application first and foremost to nuclear weapons. For who can deny that only the abolition of such apocalyptic weapons of mass destruction can engender a true sense of security in the world and thereby enhance the prospects for general and complete disarmament.

(Mr. Hoveyda, Iran)

I have, so far, made only a few very preliminary remarks concerning the item under consideration. My delegation will probably have occasion to address itself further to this subject-matter, in due course. To sum up my preliminary observations, I would like to stress that, while approving the idea of an agreement on the non-use of force, we consider that the realization of a treaty of such magnitude is subject to thorough scrutiny and careful study of the legal and other implications involved. And hence, further consideration will be required in order to formulate more definitive views regarding this item, especially considering the fact that universal agreement will be needed on such a far-reaching proposal.

The CHAIRMAN: I thank the representative of Iran for his very kind remarks addressed to me personally and to the other officers of the Committee. I should like to assure him that I value very highly his kind co-operation, to which he referred, and I am looking forward to its fruitful continuation.

The meeting rose at 11.30 a.m.