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CONCLUSION OF A WORLD TREATY ON THE NON-USE OF
FORCE IN INTERNATIONAL RELATIONS

Letter dated 2 June 1977 from the Permanent Representative
of Hungary to the United Nations addressed to the
Secretary-General

With reference to General Assembly resolution 31/9 of 8 November 1976, I have the honour to transmit herewith the text of a letter addressed to you by the Minister for Foreign Affairs of the Hungarian People's Republic regarding the question of the conclusion of a world treaty on the non-use of force in international relations.

I should be grateful if you would circulate that letter as an official document of the General Assembly under item 37 of the preliminary list.

(Signed) Imre HOLLAI
Permanent Representative of Hungary
to the United Nations

* A/32/50/Rev.1.

ANNEX

Letter dated 13 May 1977 from the Minister for Foreign
Affairs of Hungary to the Secretary-General

The Government of the Hungarian People's Republic attaches great significance to any steps likely to strengthen international peace and security, normalize inter-State relations and increase confidence among peoples and Governments in furtherance of the practical implementation of the principle of peaceful coexistence.

The proposal put forward by the Government of the Union of Soviet Socialist Republics at the thirty-first session of the General Assembly for the conclusion of a world treaty on the non-use of force in international relations represents a new and important step in this direction. Conclusion of a world treaty prohibiting the use of force in international relations would create favourable conditions for a further reduction of the threat of global or local war, for the strengthening of international détente and the consolidation of world peace, while promoting co-operation among States and the realization of general and complete disarmament.

The principle of the non-use of force, which is contained in the United Nations Charter in generally recognized terms, has in recent years been reaffirmed and developed further by several international documents and thus become a universally accepted principle of international law. It receives great emphasis 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 (resolution 2625 (XXV), adopted by the General Assembly at its twenty-fifth session), and in Assembly resolutions 2936 (XXVII) of 29 November 1972 and 3314 (XXIX) of 14 December 1974, the latter on the definition of aggression. The States signatory to the Final Act of the Conference on Security and Co-operation in Europe have expressed their conviction of the need to make renunciation of the use or threat of force an effective law of international life. Implementation and increased effectiveness of the principle of the non-use of force have been greatly enhanced by the conclusion in recent years of bilateral and multilateral international agreements seeking to strengthen lasting peace and international security and to curb the armaments race.

In pursuance of the relevant provisions of the United Nations Charter, the Soviet draft Treaty invites all States of the world strictly to abide by the principle of the non-use of force or the threat of force in their mutual relations and it links such undertaking with the principles of international law governing the peaceful settlement of disputes and disarmament.

Consequent observance of the principle of the non-use of force should be regarded as an important instrument for wiping out the possibility of wars and armed conflicts. The local wars since the Second World War and the danger of new international conflicts require continued efforts to curb the arms race and to deepen détente and make it irreversible.

As the principle of the non-use of force prevails only in the international relations of States, it raises no obstacle to national liberation movements. Conclusion of a world treaty would therefore prejudice in no way the right of colonial peoples and peoples in dependent status to the struggle for self-determination. Similarly, it would not preclude recourse to individual or collective self-defence, nor would it affect the other rights and obligations of States under the United Nations Charter and treaties and agreements concluded by them earlier (article III).

Certain speakers in the debate of the thirty-first session of the General Assembly tried to advance legal arguments against the draft Treaty. In considering the legal aspects of the question one should proceed primarily from the fact that conclusion of a world treaty would be of political significance in the first place; therefore an abstract legal approach to the treaty and its isolation from the general international context may lead to false conclusions.

The opponents of the draft Treaty argue that the draft does not but reiterate, while failing to increase, the obligations under the Charter and therefore they see no reason for concluding a treaty. On the other hand, they claim that the draft embodies only part of the Charter's provisions, taking them out of their context, and thus derogates the remaining provisions of the Charter.

Such arguments disregard the practice of 31 years carried on by the United Nations, under Article 13 of the Charter, in the field of the progressive development and codification of international law. The principles embodied in the Charter have served as a basis for the conclusion of numerous international treaties and agreements in several fields, such as disarmament, human rights and in particular the maintenance of international peace and security. The General Assembly resolutions and international treaties relating to certain provisions of the Charter have not vitiated the legal force of the Charter at all but, quite the contrary, have played an outstanding role - political, moral and legal alike - in increasing the effectiveness of the provisions of the Charter and in translating them into reality and have, on the whole, served to enhance the role of the United Nations.

The necessity and timeliness of concluding a world treaty are underscored especially by article I, paragraph 1, and article IV of the draft, which provide that the Contracting Parties "shall ... refrain from the use of armed forces involving any types of weapons, including nuclear or other types of weapons of mass destruction, on land, on the sea, in the air or in outer space, and shall not threaten such use" and that they "shall make all possible efforts to implement effective measures for lessening military confrontation and for disarmament which would constitute steps towards the achievement of the ultimate goal - general and complete disarmament under strict and effective international control".

The use in war of nuclear and other types of weapons of mass destruction poses dangers not only for the belligerent parties but also for all States and peoples. Increasing the efficiency of the principle of the non-use of force is therefore closely linked with the solution of the most pressing issue of our age, that of halting the arms race and achieving disarmament.

As regards universal observance of the provisions of a world treaty, some delegations have contended that the draft contains no provision to meet violations of the obligations under the treaty. Such a function, however, can be well performed by the Security Council of the United Nations, which is invested with powers to take appropriate actions against States violating international treaties.

In view of the foregoing, a world treaty cannot be regarded either as an amendment to the United Nations Charter or, as is claimed by some critics of the draft, a mere duplication of the relevant provisions of the Charter. Codification of the principle of the non-use of force - a principle that has always been recognized as jus cogens - in a comprehensive multilateral treaty could also by legal means promote a more effective application of this principle, the curbing of the arms race and the realization of general and complete disarmament.

The Government of the Hungarian People's Republic, guided by these political and legal considerations, is in support of the draft Treaty presented by the Government of the Union of Soviet Socialist Republics and holds that its signing and ratification by a considerable number of States would serve to make renunciation of the use or threat of force a more clearly defined legal obligation of States.

(Signed) Frigyes PUJA
Minister for Foreign Affairs