



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/32/119
21 June 1977

ORIGINAL: ENGLISH

Thirty-second session
Item 37 of the preliminary list*

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

Note verbale dated 14 June 1977 from the Permanent Representative of
Poland to the United Nations addressed to the Secretary-General

The Permanent Representative of the Polish People's Republic to the United Nations has the honour to transmit herewith a letter from the Minister for Foreign Affairs of the Polish People's Republic containing the position of the Government of the Polish People's Republic with reference to General Assembly resolution 31/9 of 8 November 1976 concerning the conclusion of a world treaty on the non-use of force in international relations.

The Permanent Representative of Poland has the honour to request that the enclosed letter be circulated as an official document of the General Assembly under item 37 of the preliminary list.

* A/32/50/Rev.1.

ANNEX

Letter from the Minister for Foreign Affairs of the Polish People's Republic containing the position of the Government of the Polish People's Republic concerning the conclusion of a world treaty on the non-use of force in international relations

In pursuance of General Assembly resolution 31/9 of 8 November 1976 concerning the conclusion of a world treaty on the non-use of force in international relations, the Government of the Polish People's Republic wishes to state the following:

1. The principle of non-use of force in international relations embodied in the Charter of the United Nations has been reconfirmed and further developed 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 1970 and in the Declaration on the Strengthening of International Security of the same year, and also in the General Assembly resolution of 1972 on the non-use of force in international relations.

All these documents stress the importance of the non-use of force as a fundamental and universal principle of international security. Respect for the principle of non-use of force is an indispensable prerequisite for the effective application of the other important principles, such as those of territorial integrity, sovereign equality of States, non-interference in the domestic affairs of other States and peaceful settlement of disputes. Therefore the signing and entering into force of the proposed treaty would create additional guarantees for the observation of these principles.

The principle of the non-use of force or the threat of force is connected with the elaborate system of means envisaged in the Charter of the United Nations for the maintenance of international peace and security. Initiatives aiming at securing the strict observance of the principle of refraining from the threat or use of force fall therefore within the scope of the main purposes of the United Nations.

The need to reaffirm or to develop the substance of the principle of refraining from the threat or use of force has been recognized in various circumstances in the past. There has never been any doubt that the proper progressive development of this principle is in conformity with the scope and purposes of the relevant provisions of the Charter of the United Nations. There is, therefore, the possibility of a creative formulation of this principle on a global scale. The initiative of the Soviet Union, a/ presented at the thirty-first session of the General Assembly, to conclude a world treaty on the non-use of force in international relations aims precisely at this goal. Therefore, the Government of the Polish People's Republic lends its full support to this initiative.

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2. The draft treaty presented by the delegation of the Union of Soviet Socialist Republics lays emphasis on practical means to ensure general and unconditional respect for the obligation of the non-use of force or threat to use force in international relations. It develops in greater detail the formulation of the United Nations Charter, taking into account the major events and changes that have occurred in the world situation since its elaboration and the experiences and conclusions deriving therefrom.

Despite the provisions of the United Nations Charter, we still witness armed conflicts between States. There is always a danger that these conflicts may develop from local conflicts into a world-wide conflict. Such a danger is even more incalculable in consequences now with the existence of weapons of mass destruction.

3. On the other hand, the conclusion of a world treaty on the non-use of force in international relations would serve the creation of more favourable conditions for curbing the arms race and moving towards disarmament, as well as for contributing to further progress in international détente, because the use of force or the threat to use force in international relations is an important source of tension among nations.

The conclusion of a treaty on the non-use of force would also constitute an important premise for the stimulation of disarmament negotiations. One of the main causes of the arms race is the psychosis of fear, fanned by the militaristic circles, and the apprehensions concerning the use of force by other States. The conclusion of the treaty would therefore undoubtedly contribute to the building of mutual trust and to the advancement of the cause of disarmament. This would, in turn, have a decisive influence on the acceleration of the economic development of all States, on the just reorganization of the international economic order and on the increase of assistance to developing countries.

4. It would be of particular value if all countries, including the nuclear Powers and countries with a substantial military potential, were parties to the world treaty, because it would serve the main purpose of the Soviet initiative - that of preserving world peace. Moreover, it would be an essential guarantee of security for small and medium-size countries, which primarily stand in need of reliable safeguards in international law for their national security since, as we have learned by experience, they are the first victims of aggression.

It is quite obvious, however, that as the basic aim of the world treaty on the non-use of force is the prevention of aggression, the renunciation would not include the measures undertaken, in accordance with Article 51 of the Charter of the United Nations, to repel aggression or to eliminate the consequences which such an aggression has brought about, as well as the inalienable right of peoples under colonial domination to fight for their freedom and independence.

The prohibition of the use of force in international relations is in the interest of all States. It aims to found their security not on the "balance of fear", but on the increase of mutual trust and on the stimulation of broad co-operation as the material infrastructure of peaceful coexistence.

The concrete expression of the provisions of the Charter and the progressive codification of the principles of international relations is very useful - as practice shows in the case of the provisions of the Final Act of the Conference on Security and Co-operation in Europe, the adoption of which has helped to enhance the processes of détente on the European continent.

5. The achievements of the United Nations in the progressive development of the substance of the principle of refraining from the threat or use of force in international relations should be properly reflected in the provisions of the treaty on the non-use of force. Such a treaty would be an important contribution to the cause of strengthening international peace and security, to the development of friendly relations among States and, by the same token, to the creation of conditions favourable to the solution of many problems facing the contemporary world.

6. The principle of the non-use of force in international relations is one of the basic principles of the foreign policy of the Polish People's Republic as a member of the community of socialist countries. This principle is strictly observed by Poland and the Government of the Polish People's Republic would like to see it equally observed by other States. For these reasons, as well as because of Poland's historic experience, it is with deep conviction that we express our firm support for the Soviet initiative to conclude a world treaty on the non-use of force in international relations and we believe that the time has come to undertake practical steps aimed at the elaboration of an agreed text of such a treaty.

Emil WOJTASZEK
Minister for Foreign Affairs
of the Polish People's Republic
