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Chairman: Mr. JAROSZEK (Poland)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 124 (continued)

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

Mr. YANKOV (Bulgaria): Since this is the first time I have spoken in this Committee. Sir, I should like to express my satisfaction at your election as Chairman of the First Committee. It gives me particular pleasure to see the representative of a fraternal country, the Polish People's Republic, assuming such an important function. I wish to congratulate also the other officers of the Committee. I assure you all of my delegation's full co-operation.

The First Committee has opened the discussion of an item which my Government views as of paramount importance. The attitude of the People's Republic of Bulgaria towards this new and important proposal of the Soviet Government stems from the consistent foreign policy which my country pursues in the interest of peace and understanding among nations. This policy is inherent in the very essence of the socialist system and is a true reflection of our deep conviction that wars can and must be banned from the life of human society, that in this era of thermonuclear weapons, peaceful coexistence is the only alternative to a nuclear holocaust.

The agenda of the current session of the General Assembly contains quite a number of important problems. Each one of them in one way or another concerns all Member States and is of vital importance to the international community at large. But the question relating to the non-use of force in international relations is of special concern to all countries and nations.

It seems to me that no Government could remain indifferent today to the question of whether it is necessary to make new efforts and take more effective measures to build a world which will not be fraught with the constant danger of military conflicts and confrontation, a world over which a thermonuclear disaster will no longer loom.

(Mr. Yankov, Bulgaria)

The proposal of the Soviet Government for the discussion of the question of the conclusion of a world treaty on the non-use of force in international relations in our opinion faces every Government and every statesman and politician with a major question: does the state of contemporary international relations demand and necessitate that one of the fundamental principles of the Charter should become, in the form of the world treaty, a code of behaviour for all States in their international relations?

In considering this problem my delegation would like to confine its views to the following main points.

First, does the urgency of the issue of the non-use of force justify the conclusion of a world treaty on that matter? Secondly, are present-day international conditions favourable and propitious for the conclusion of such a treaty? And, thirdly, what are the international, political and legal prerequisites for a world treaty on the non-use of force in international relations to be effective?

Nobody can today ignore the profound political and social changes which have occurred in the post-war period and which have constituted the main features in the development of international life, particularly in the past 10 to 15 years. Those changes were the result, above all, of the struggle of nations and of all progressive forces for the maintenance of international peace and security, for independence, for equality in international relations, and for a free choice of their road of development.

An essential element in this struggle remains the desire to build inter-State relations on the rules of international law, to exclude aggression once and for all as a means of resolving international disputes and to renounce the use of force in relations among States.

It is not accidental that our Organization has laid down in its Charter as one of its basic principles the non-use of force or the threat of the use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

Even a quick glance at the events following the creation of the United Nations can show that in all cases where crises, conflicts and armed clashes flared up they were the result of a flagrant violation of those principles. It

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must be admitted that, regardless of the existence of the Charter and the explicit provisions of its Article 2 (4), on several occasions -- and we all went through those dark days -- the world stood on the brink of a nuclear-missile conflict. It took years of strenuous efforts to make everyone aware of the fact that the so-called policy of positions of strength which was proclaimed by certain Western Powers as their State policy was not only reckless and without any perspective but extremely dangerous to world peace. It was a long and difficult road that led from the start of the cold-war era and brazen nuclear blackmail to the days when peoples realized the vital necessity of replacing confrontation with co-operation and negotiation, and to the days when the principle of peaceful coexistence was affirmed and prevailed.

The key factor at the turning-point in international relations which enabled humanity to escape a new world war undoubtedly lies in the struggle against aggression and in a decisive shift in the balance of forces in favour of peace and progress. Yet it would be difficult to deny that the very existence of the United Nations and of the principles embodied in its Charter had a definite and favourable influence on the emergence and establishment of the new political climate in the world, on the reduction of tension, the liquidation of a number of dangerous hot-beds of conflict and war and on the growing application of the principles of peaceful coexistence.

We deem it necessary to recall here that, alongside the political struggle to bring about this change in international relations, a considerable amount of work has been done within the United Nations in the field of the codification and progressive development of international law and in establishing the rule of law over arbitrariness in the relations among States. The purpose of this work has been to ensure more effective application of the fundamental principles of the Charter at a time when dynamic and rapid changes permeated international life. The results achieved are considerable and have served to a great extent as an incentive for the political actions of the progressive and peace-loving forces the aim of which has been to ensure strict compliance with the principles of the Charter.

(Mr. Yankov, Bulgaria)

A number of important documents adopted by the United Nations which put in concrete terms the principles of the non-use of force are of particular importance to the process of codification and progressive development of international law. I have in mind in particular 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)); the Declaration on the Strengthening of International Security (resolution 2734 (XXV)); the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations (resolution 2627 (XXV)); the resolution on the Non-use of Force in International Relations and Permanent Prohibition of the Use of Nuclear Weapons (resolution 2936 (XXVII)); the Declaration on the Prohibition of the Use of Nuclear and Thermo-Nuclear Weapons (resolution 1653 (XVI)); the resolution on the Strict Observance of the Prohibition of the Threat or Use of Force in International Relations, and of the Right of Peoples to Self-determination (resolution 2160 (XXI)).

I could go on enumerating a number of other resolutions related to this issue, but this at least suffices to substantiate the fact that there are sufficient political and legal grounds for the United Nations now to ponder new action and to further its contribution to the strengthening and maintenance of international peace.

These and other texts adopted by the United Nations recognize the need to update and specify one of the fundamental and very important principles proclaimed in the Charter. The results achieved by the United Nations over the years in this field recognize the necessity for continuing the efforts to increase the effectiveness of the struggle for the strengthening of international security and the maintenance of world peace. These important international instruments have had a positive impact in widening and making more effective the political struggle for the preservation of peace, and above all in removing the danger of letting a number of acute local crises explode into a world disaster.

(Mr. Yankov, Bulgaria)

One cannot deny the moral and political impact of the decisions of the United Nations, though in many instances, with justification, we have raised the question why these resolutions are not implemented. Nevertheless, these resolutions and instruments constitute very important assets of the United Nations in its peace-building mission. The moral and political value of these international instruments continues to mobilize and encourage the unity of the peace-loving and progressive forces, as well as world public opinion in the struggle against aggression. In a number of instances these documents have helped to thwart attempts aimed at resolving international disputes through the use of force or the threat to use force.

What is more, the United Nations resolutions and declarations relating to the principle of the non-use of force have furnished the political and international legal incentives whereby it has become possible for this principle to form foundation for a number of agreements governing relations among States. In addition, one of the most recent documents, which is commonly recognized to have exclusive international importance -- and here I am referring to the Declaration on Principles Guiding Relations between Participating States of the Helsinki Conference on Security and Co-operation in Europe -- explicitly formulates the undertaking by States to refrain, in their mutual relations as well as in their international relations in general, from the threat to use force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations and of that Declaration.

In recent years an influential group of States, that of the non-aligned countries, has increasingly voiced its position condemning aggressive acts against the political independence and territorial integrity of States, and the use of force or the threat to use force, by imperialists, colonialists and racists.

What does all this amount to? It shows that the struggle for lasting peace and security, for observance of the principles of the Charter, and in particular the principle of the non-use of force, has entered a new state. It shows that the recent positive trends in international life ought to find adequate international legal expression to correspond to the challenge of our times.

(Mr. Yankov, Bulgaria)

We submit that at present one of the most important objectives is to consolidate the successes achieved in the field of reducing international tensions, in checking aggression and, particularly, in eliminating the threat of a new world war.

In my view, the last few sessions of the General Assembly -- the current one included --- have revealed that the overwhelming majority of States not only welcome the positive changes in the international climate but insist on the process of détente being extended to all other regions of the world. This reflects the most cherished desire of nations to exclude the use of force in international relations. It also shows the growing sense of responsibility of a preponderant number of Governments and their realization that the sizable opportunities which détente opens up for a new course in international relations must not be missed.

A fundamental aspect of détente in recent years has been the growing confidence among a larger number of States. It is therefore highly important at this juncture to take a new and decisive step to foster this confidence, to make nations increasingly confident that international disputes will not be resolved by force but by peaceful means alone. The Soviet proposal to elaborate and embody the principle of the non-use of force in a multilateral international instrument aims precisely at reaching this end. A treaty under which States undertake to refrain from the use or threat of force in international relations will certainly constitute an important factor in a reliable system of collective security. At the same time, it will be an important factor in curbing aggression, including the use of force, against the national liberation struggle of peoples and against the exercise of their inalienable right to self-determination and their imprescriptible right to defend their independence, territorial integrity and sovereign choice of the road of their development.

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In our view the United Nations cannot, and we are quite sure that it will not, remain aloof from the efforts for the full implementation of one of the basic principles embodied in its Charter. It is imperative for the United Nations, therefore, to endeavour persistently for the implementation of the purposes and principles in the name of which it was created. To this end, the United Nations must help raise an effective international political barrier in the way of aggression, imperialism, colonialism, racism and reactionary forces. Herein lies, in our opinion, the essence of the Soviet proposal. It is to give the struggle against aggression new impetus, to increase the effectiveness of this struggle and to strengthen the binding force of the principles of the Charter. For, once all States enter into legal undertakings under the provisions of the treaty, efforts to do away with existing or latent hot-beds of tension and armed conflict will be significantly facilitated.

A great number of delegations taking part in the general debate at the current session stressed once again the serious danger to peace and security ensuing from the continuing arms race. It is not without reason that both the United Nations and many other international organizations have underscored the need to supplement political détente with military détente. Delegations have repeatedly made the comment that the lack of sizable progress in the field of disarmament can be explained sometimes by the absence of a reliable system of collective security, by the fact that the principle of the non-use of force is still being trampled upon in relations among States. In short, a good many States cannot yet live in conditions of security. Attempts are still being made, with rather transparent political aims, to revive the old dispute of the days of the League of Nations, namely, which is to be carried out first: security or disarmament? The bitter experience of the tragic events between the two world wars shows that this so-called dispute is largely artificial. It surfaces on and off and is aggravated by those forces which want neither security nor disarmament. The truth --- and the facts of life confirm it --- is that security and disarmament should go hand in hand. It is necessary to work simultaneously to strengthen confidence among States, to create political and legal prerequisites for the consolidation of their security and to eliminate gradually, but systematically, the means of waging wars. From this point of view,

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the proposal for the conclusion of a treaty on the non-use of force in international relations, which is organically linked with the obligation to take decisive measures in the field of disarmament, assumes particular importance today. There is no doubt that the obligation that States would assume under a universal treaty to renounce the use of force in international relations would open up enormous prospects for a successful solution of the problems of disarmament. Such an undertaking by all States, including the nuclear ones, would be an important contribution to the efforts for averting the threat of war. It would therefore have important political and moral significance. It would facilitate efforts to achieve effective disarmament under strict and effective international control.

In our view, the universal character of this treaty is in itself a guarantee of and a basic prerequisite for the effectiveness of the treaty as an instrument of the international system of collective security.

In the view of the Bulgarian delegation, the treaty on the non-use of force would provide safeguards for all States on an equal footing. It would strengthen the security of each State and at the same time would remove the possibility of anyone's making use of military advantages. There is no doubt that that treaty would facilitate the creation of reliable international guarantees for the protection of the political independence and territorial integrity of all States, in particular of the small ones, for they would be among the main beneficiaries of such a world treaty under which all States would have reaffirmed their undertaking not to use force in their relations with each other and to settle their disputes by negotiation, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice. This is even more urgent, now that there exist dangerous weapons for mass annihilation and growing numbers of sophisticated conventional weapons. In these conditions, the small States are the ones which most need the renunciation of the use of force in international relations. It is also in their interest to encourage concerted efforts for general and complete disarmament. There are many Governments today which maintain, and rightly so, that the best defence against aggression, against interference in their domestic affairs and against the threat to their political independence and territorial integrity is the strict

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abidance by the principles of the Charter on the part of all States. Are we then to doubt that the reaffirmation of the principle of the non-use of force, within the framework of a universal treaty, will be a contribution to the security of all States, as I mentioned before, and in particular of the small States? The Soviet Government's proposal is, in our view, aimed precisely at such confirmation and elaboration of the principle of the non-use of force, as proclaimed in the Charter and in other relevant documents subsequently adopted by the United Nations with the aim of reaffirming and further promoting this principle. The moral and political strength of those acts of the General Assembly would be supplemented by the legally binding force of a universal world treaty.

The proposal of the Soviet Government determines and elucidates the political objectives of the renunciation of the use of force in international relations. This is the meaning of preambular paragraphs 1, 2 and 3 and articles I, II and IV of the draft treaty. The provisions of the draft treaty on the renunciation of the use of force cannot be interpreted to be prejudicial to the right of States to individual and collective self-defence, as provided for in Article 51 of the Charter. Ample clarifications to this effect were presented by the Soviet Foreign Minister, Andrei Gromyko when he addressed the General Assembly, and also today in the most comprehensive and lucid statement of the First Deputy Foreign Minister of the Soviet Union, Mr. Kuznetsov.

We also think that the renunciation of the use of force in no way impairs the "legitimacy of the struggle of colonial peoples for their freedom by all appropriate means at their disposal" as stipulated in General Assembly resolution 2936 (XXVII). As a matter of fact, this point has been thoroughly substantiated in all United Nations documents mentioned so far, and also in many other resolutions relating to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

This means that the political objectives and the field of application of the draft treaty must be considered in conjunction with the relevant provisions of the United Nations Charter, with the relevant resolutions of the United Nations, and, in particular, with the unanimously adopted Definition of Aggression.

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According to the provisions of resolution 3314 (XXIX) containing the Definition of Aggression, States have the duty "not to use armed force to deprive peoples of their right to self-determination, freedom and independence". The proposed draft treaty therefore is a continuation and transformation into treaty norms of the provisions contained in those documents. Thus, the proposed draft **treaty** renounces the use of force in relations among States against their territorial integrity or political independence, or in any other manner inconsistent with the purposes of the United Nations.

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There can be no reason whatsoever for admitting that the struggle of colonial peoples for self-determination and independence, the struggle for liberation of territories seized by force, can in any way be construed as aggression or illegitimate use of force. Indeed, such struggle is defence against aggression. It is not a use of force inconsistent with the purposes and principles of the Charter but rather a form of struggle the legitimacy of which is enshrined in the Charter and reaffirmed in an impressive number of United Nations resolutions and declarations. I submit that the draft treaty is quite clear on this point and leaves no ground whatever for any doubts or speculations in this respect. On the contrary, the draft treaty makes it possible for this basic provision to find adequate expression in the treaty itself.

The Bulgarian delegation is convinced that the draft treaty submitted by the Soviet Government will be the subject of serious and constructive consideration. We feel confident that this will be the case because this question has a direct bearing on peace and security and on the vital interests of all countries and nations.

The Charter of the United Nations is regarded as a general code of contemporary international law and as a basis for international treaties in various fields of international relations and in the first place in the maintenance of international peace and security. In this connexion the draft treaty on the non-use of force will bring about a new impetus and will give moral and political vigour to such a vital and fundamental principle of international law as the principle of the non-use of force. The absence of a universal and effective treaty on the non-use of force is, in our view, a gap in international life. It can be bridged now by making a serious contribution to the strengthening of international peace and security. This is the paramount challenge of the day at the current stage of international relations. There are favourable international conditions for meeting this challenge now.

Before concluding, I should like to say that the Bulgarian delegation feels that the substance of the question under discussion necessitates thorough consideration by this Committee. In our view, the most important requirement at present is to approach this new initiative with an attitude of due political

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responsibility. The elaboration and successful conclusion of the draft treaty would require the involvement and active participation of all Governments. There is a need for a political will which will lead to the adoption of the draft treaty and the strict implementation of its provisions. That is why the Bulgarian delegation maintains the view that the participation of delegations in the discussions at this stage is both important and necessary. The draft resolution in document A/C.1/31/L.3 provides ample opportunities for all Governments to study the proposed draft. The Bulgarian delegation wishes once again to commend the Soviet Union for its initiative and to express its full support for the draft resolution, hoping that it will meet with the approval of the Committee. I wish to express the readiness of my delegation to sponsor this draft resolution together with other delegations.

In conclusion, we believe that the consideration of this new item will be another valuable step forward in the achievement of the noble mission of the United Nations.

The CHAIRMAN: I should like to thank the representative of Bulgaria for his friendly reference to my country and also for his kind remarks addressed to me personally and to the other officers of the Committee.

I should like to appeal to all delegations wishing to make statements to inscribe their names as soon as possible so that we may avoid an accumulation of speeches during the last days allotted to this agenda item.

The meeting rose at 3.55 p.m.