

United Nations  
**GENERAL  
ASSEMBLY**



THIRTY-FIRST SESSION

Official Records \*

FIRST COMMITTEE  
15th meeting  
held on  
Wednesday, 27 October 1976  
at 10.30 a.m.  
New York

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VERBATIM RECORD OF THE 15TH MEETING

Chairman: Mr. JAROSZEK (Poland)

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Distr. GENERAL  
A/C.1/31/15  
28 October 1976  
ENGLISH

The meeting was called to order at 10.45 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.1/31/L.3)

Mrs. BORODOWSKY (Cuba)(interpretation from Spanish): Mr. Chairman, speaking for the first time in this Committee, my delegation is highly gratified that you are presiding over its work. You represent Poland, a country with which we maintain the closest and deepest relations, reflecting the unswerving friendship and solidarity of brotherly peoples. May we therefore congratulate you most warmly, as well as the other officers of the Committee, to whom we pledge our full co-operation so as to ensure the success of the work of this Committee.

Once again, thanks to the initiative of the Soviet Union, we have on the General Assembly's agenda an item that fulfils the principles and purposes laid down in the Charter and meets the objective for which this highest world Organization was created, namely:

"to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind..."

The conclusion of a world treaty on the non-use of force in international relations should be the object of careful consideration and thorough study by all delegations present here. The use of force is as old as the history of man itself, the weak succumbing to the strongest. That force grew and changed as new nations emerged and established relations among themselves and as mankind evolved to the present stage. The use of force in international relations has covered the broadest range, from brutal, overt, direct force to the most subtle, covert, refined form, as a means of halting the irreversible historical process of contemporary development, oriented towards a new society in which progressive and peace-loving forces will prevail, with the total elimination of the aggressive, reactionary and expansionist forces that still exist today and are represented by imperialist, colonialist and neo-colonialist policies.

The use of force in international relations is not confined to the use of contingents of soldiers, armaments, equipment and so on against a country where there is no state of war; there are other methods and means, perhaps more dangerous, widely used at present in a situation where the prevailing trend is the existence of factors which contribute to international détente. Significant examples of this are the results of the Helsinki Conference on Security and Co-operation in Europe and other relevant international events. However, international détente in no way means that imperialism has abandoned its intentions, its aggressive essence. It is true that the present relation of forces in the world in no way facilitates the warmongering adventures of imperialism. We no longer have to fear that the weak will succumb to the strongest. We find that what is just and honest prevails in the world today, but we must not underestimate the power of those who have not resigned themselves to live in a world of peace and international security which they do not desire.

At the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held in Colombo, it was stated:

"The Conference expressed alarm at the increasing evidence of the resort to forms of aggression by foreign Powers and other political and economic agencies or institutions, official as well as private, such as transnational corporations, aimed at preserving and protecting their special interests and dominant influence in order to obstruct and thwart the processes of political, economic and social transformation. ... Politics of pressure and domination were continuing to seriously threaten the independence of States. (A/31/197, annex, para. 144)

(Mrs. Borodowsky, Cuba)

If we review the various ways in which force has been used in international relations during the past decades by the representatives of imperialist policy, headed essentially by United States imperialism, we need do no more than recall that there is not a single part of the world in which that policy has not manifested itself. To cite but a few examples, there was the Korean war; the war in Laos and in Cambodia, the aggression against heroic Viet Nam -- the most horrifying instance of aggression since the end of the Second World War; the situation in the Middle East; and the question of Cyprus. On the African continent there are far too many examples: Zimbabwe, Namibia, the policy of apartheid and what was attempted in Angola.

In the Latin American continent the use of force in international relations has been no less frequent. Is not the situation maintained in Panama by United States imperialism actually the use of force in international relations? Is not the policy of destabilization carried out against countries in the Caribbean, such as Guyana, Barbados and Jamaica also an expression of the use of force in international relations? What happened in Chile -- the coup against the legitimate Government of President Allende was, as is recognized by the President of the United States himself, promoted, prepared and carried out by North American imperialism. Who can deny that this policy of the United States Government is not in fact the use of force in international relations?

Our own country has been the victim of countless incidents, tangible evidence of that policy, incidents which have ranged from economic blockade and sabotage to attacks and direct aggression -- suffice it to recall Girón -- and form a whole series of events the list of which is rather long. The innocent victims of the latest barbarous and criminal act committed against our country, the sabotage of the Cuban aircraft in which the CIA and the imperialist Government of the United States participated directly, still lie at the bottom of the Caribbean sea.

In the letter submitted by the Soviet Union, to which is annexed the draft world treaty on the non-use of force in international relations, is is stated that:

(Mrs. Borodowsky, Cuba)

"despite the general improvement in the international situation, hotbeds of war still exist in a number of areas as a consequence of aggression and the use of force against States and peoples." (A/31/243, p.1)

The international community must make a careful study of what has occurred in the contemporary world and must decide who has carried out that policy of aggression and force and who has helped international détente to become an irreversible fact.

No one can deny that if détente has been possible, this has been due first and foremost to the policy of peace of the Soviet Union. The item under discussion in this Committee is further irrefutable proof of the consistent pursuit of that peaceful policy.

That treaty furthermore does not restrict the legitimate struggle of colonial peoples for freedom and independence or the inalienable right of peoples to protect and defend their sovereignty and territorial integrity.

In the declarations of the conferences of the non-aligned countries we find important paragraphs relating to the use of force in international relations. The head of the Cuban delegation to the Fifth Conference of Non-aligned Countries in Colombo, comrade Carlos Rafael Rodriguez, in listing the various conflicts that still exist today as sources of tension in international affairs, stated:

"Experience of those conflicts points to the need for the non-aligned countries to create means of voluntary collective conciliation designed to promote agreement in disputes which no one could avoid and which often derive from the legacy left by the colonizers themselves, the arbitrarily established boundaries, the forceful incorporation of lands, tribes and nationalities. The maturity of our vast emerging world will also be measured by its capacity to resolve through right and reason what the colonialist exploiters settled through the primitive but still existing 'law of the strongest'."

(Mrs. Borodowsky, Cuba)

It is for this reason that the draft treaty should be the object of careful study by all Member States of this Organization, bearing in mind that it will also benefit countries that are not yet members of the United Nations. This draft treaty reflects and should foster the present world climate, of opposition to the use of unchecked force in international relations and its most terrifying aspect, the nuclear threat, by referring in its formulation to general and complete disarmament under strict and effective international control.

The progressive forces must redouble their efforts in favour of peace and to avert the dangers of the use of force in international relations by those who, helpless before the inexorable course of history, commit inhuman and degrading acts against humanity. This draft treaty may well become a new instrument to curb that irresponsible policy that endangers international peace and security.

My delegation believes that this important item should be maintained on the agenda of the General Assembly. The views and suggestions that may be submitted by Member States, as requested in the draft resolution in document A/C.1/31/L.3, will enrich this constructive treaty and turn it into an effective means in international relations for the creation of more favourable conditions of peace, justice, equality and international co-operation throughout the world.

My country also states that it wishes to become a sponsor of the draft resolution before us.

The CHAIRMAN: I appreciate very much the kind reference of the representative of Cuba to the very close relations of friendship that exist between her country and mine and also the kind words that she addressed to the Chairman and the other officers of the Committee.

I have noted that Cuba wishes to be added to the list of sponsors of the draft resolution in document A/C.1/31/L.3.

Mr. VEJVODA (Czechoslovakia) (interpretation from Russian):

Comrade Chairman, permit me to congratulate you and all the other officers of the Committee upon your election to your important posts. Personally, it is a great pleasure for me to have witnessed your election, since we are linked by long-standing friendship and joint work on the problems of disarmament and other United Nations questions. I am sure that you will most successfully perform the tasks entrusted to you as Chairman of the First Committee.

One of the most important items on the agenda of this session of the General Assembly is without any doubt the proposal of the Soviet Union for the conclusion of a world treaty on the non-use of force in international relations. The Czechoslovak delegation welcomes this proposal as one which would meet the urgent needs and requirements of the contemporary international situation. This was stressed by the Foreign Minister of Czechoslovakia in the general debate when he said:

"We often hear that it is first necessary, by concrete steps, to create an atmosphere of trust among States. We are convinced that at this session of the General Assembly we have a great opportunity to do precisely that, thanks to the proposal for the adoption of a world treaty on refraining from the use or threat of force in international relations submitted here on behalf of the Soviet Union by its Foreign Minister, Mr. Gromyko. Czechoslovakia whole-heartedly supports that proposal, which is entirely in keeping with the needs and goals of our Organization." (A/31/PV.19, p. 11)

The noble idea of permanently excluding aggressive activities from relations among nations, which is reflected in the programme for further struggle for peace and international co-operation for the freedom and independence of peoples, adopted by the XXVth Congress of the Communist Party of the Soviet Union, is meeting with an ever broader response in world public opinion.

The whole-hearted support for work to ensure universal peace, the exclusion of force from international relations and disarmament was the subject of a declaration by the representatives of 29 European communist and workers' parties at a conference which was held in June this year in Berlin. It is greatly to the credit of those parties that they have helped to mobilize the support of the broad

(Mr. Vejvoda, Czechoslovakia)

progressive masses in their countries for the struggle for peace, security, co-operation and social progress in Europe. It was only a month ago that the representatives of the peace movement from 90 countries which took part in the World Conference on Disarmament in Helsinki expressed themselves in favour of concluding a world treaty on the non-use of force in international relations.

The point is that the prohibition of the use or threat of force in international relations should become a prevailing norm of international life. The renunciation of the unlawful use of force in international relations was one of the major principles underlying the foundation of the United Nations. This principle, reflected in our Charter, has been developed further in a number of important international documents, including documents adopted in our Organization. The promotion of this principle has more than once made it possible to resolve disputes by negotiation and has facilitated the attainment of agreements and understandings which have become a basis of political relations of détente. We share the view that the time has now become ripe for the codification of this principle and its development in the supreme form of a world treaty which would once and for all exclude from international relations unlawful resort to the threat or use of force, as required by the United Nations Charter. We must do everything in our power to see to it that the requirements and provisions of the United Nations Charter are not forgotten and that they continue constantly to be developed and worked upon.

In the past the General Assembly in its resolutions has adopted a number of important principles aimed at the attainment of this goal. These principles must be strengthened and developed not only by means of resolutions and decisions but also on the basis of agreement. Why should we not in that case implement on the basis of a world treaty the provisions of the Declaration on the Non-Use of Force in International Relations and Permanent Prohibition of the Use of Nuclear Weapons, adopted at the twenty-seventh session of the General Assembly of the United Nations as long ago as 1972? Why should we not attempt to intensify the process of détente and strengthen the foundations of the system of collective security in the world by means of such a useful instrument as would be the world treaty on the non-use of force in international relations? As a result of the conclusion of such a treaty the whole world and peace in the world would stand to gain.



(Mr. Vejvoda, Czechoslovakia)

The conclusion of a world treaty on the non-use of force in international relations is a topical and urgent task which has profound political content and is directly linked with the problems of ensuring universal peace and security. The conclusion of a treaty would undeniably provide further incentive for the just settlement of existing crises and overt international conflicts which still pose a threat to universal peace. One of the major points in the draft treaty is the obligation on States parties to the treaty to resolve disputes among themselves exclusively by peaceful means. At the same time, the treaty would become a reliable instrument for the prevention of the outbreak of conflicts in the future.

The essence of the matter, the whole purport of the treaty, is quite clear: the prevention of aggression. It has already been possible to produce a number of important instruments for this purpose. The major provisions of the draft treaty flow directly from the definition of aggression adopted on the initiative of the Soviet Union two years ago at the twenty-ninth session of the General Assembly. The principle of the non-use of force and the resolution of disputes by peaceful means occupy pride of place in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States of the twenty-fifth session of the General Assembly. Czechoslovakia will always deem it an honour that it was responsible for the initiative that led to the preparation of this Declaration. The exclusion of force from international relations was one of the major purposes of the Declaration on the Strengthening of International Security adopted by the General Assembly in 1970. The conclusion of a world treaty on the non-use of force in international relations would open up new prospects for co-operation in all areas of international relations on the basis of mutual trust and for the benefit of all.

Czechoslovakia has always been a consistent opponent of the use of force in relations among States and supports the settlement of controversies exclusively by peaceful means. It has been possible for us, for example, to resolve once and for all in the form of a treaty with the Federal Republic of Germany the question of the so-called Munich Treaty, which was imposed upon us by force.

(Mr. Vejvoda, Czechoslovakia)

at the beginning of the Second World War and was invalid from the outset. In the spirit of peace and co-operation among countries with different social systems we are developing our relations not only with our neighbours but also, as stated in the general debate on 6 October by the Foreign Minister of Czechoslovakia, with a number of other Western European States.

(Mr. Vejvoda, Czechoslovakia)

A platform for further progress on those lines is provided by the results of the Conference on Security and Co-operation in Europe. In the Final Act of that Conference, which was sealed in August last year by the signatures of the highest representatives of 33 European States, the United States and Canada, the States participating in the Conference once again declared their intention to respect and strive for the implementation of the principle of the non-use of force or the threat of force and, in the conviction that it was necessary to make that principle an effective rule of international life, stated that they would do everything they could to put into effect the obligation to renounce the use or threat of force in their relations with each other.

International security is, however, indivisible. The process of détente should not be developed in only one part of the world. The close link between peace and security in Europe and peace and security in the rest of the world was, incidentally, also confirmed at the Helsinki Conference.

The fruitful results of the all-European Conference should be developed on a world-wide scale. A treaty on the non-use of force in international relations would unquestionably promote the efforts being made to achieve that goal.

The question of the non-use of force in international relations is directly linked with the achievement of progress towards disarmament. After all, if we want disarmament, which would make an anachronism of the possession of arms and armaments throughout the world, we must reject all theories of force, whether it be the idea of the balance of terror or the idea of the balance of strategic forces -- not to mention other reactionary and inhumane theories which are still held. The political policy of force, which is fraught with confrontation, is not something upon which we can build lasting peace or international security. If we pursue such a policy, we cannot make decisive progress towards disarmament, we cannot extend international co-operation in the interests of development. Such a policy is quite properly condemned by all the progressive forces in the world.

(Mr. Vejvoda, Czechoslovakia)

The socialist countries are ready, in a spirit of sincere co-operation, to take part in all international negotiations to ensure international peace and security. They will also strive for the adoption of effective measures to obtain a general reduction of armaments and the prohibition of atomic, nuclear and hydrogen weapons and all other types of weapons of mass destruction. In fact, that is in conformity with the provisions of article 2 of the Warsaw Pact. For more than 20 years now --- the time that has elapsed since the signing of that Pact --- the socialist countries have been strictly carrying out their obligations.

"The non-aligned nations, which have consistently rejected the notion that world conflict is inevitable, have no stake in war .... Every nation and every individual has a right to peace, and just as peace is indivisible so is the responsibility for its preservation."  
(A/31/PV.11, p. 13)

That is a passage from the statement made by the Prime Minister of the Republic of Sri Lanka, Mrs. Bandarnaike, on 30 September this year during the general debate in the General Assembly.

Many politicians and government personalities with a realistic outlook in Western countries are now expressing a readiness to hold a constructive dialogue. Hence, new and specific steps are essential so that the positive developments achieved in recent years in international relations may become stable and irreversible.

The conclusion of a treaty on the non-use of force in international relations would without any doubt strengthen the results already achieved in the field of disarmament and would promote the comprehensive implementation of existing treaties. Furthermore, it would help to promote the universalization of such results. That is referred to in, for example, the twelfth paragraph of the preamble to the Treaty on the Non-Proliferation of Nuclear Weapons, which reminds the parties to the Treaty of their obligation to refrain in their international relations from the threat or use of force.

Is it possible to find more reliable and more urgent guarantees of security for countries that do not possess nuclear weapons than those which would be provided by a world treaty on the non-use of force? Article I of the draft treaty now before this Committee clearly lays down the obligation

(Mr. Vejvoda, Caechoslovakia)

of States parties to refrain from the use of armed force 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 to refrain from the threat of such use. The assumption of such an obligation by international society as a whole would be a powerful incentive for activating negotiations on disarmament and resolving the urgent questions of disarmament, which, in spite of all the efforts that have been made, remain unsolved.

The treaty would make a particularly weighty contribution to the achievement of progress in nuclear disarmament. Precisely 15 years ago the sixteenth session of the General Assembly approved the Declaration on the prohibition of the use of nuclear and thermonuclear weapons. Eleven years later the General Assembly adopted a Declaration on the non-use of force in international relations and the permanent prohibition of the use of nuclear weapons. The noble ideas contained in those Declarations should be translated into international law. One of the merits of the Soviet draft treaty, in our view, is that it provides for an obligation on the part of the contracting parties to do everything in their power to implement effective measures for lessening military confrontation and for disarmament, which would assist in the achievement of the ultimate goal: general and complete disarmament.

Within this Organization, the non-use of force in international relations has always been very closely linked with the inalienable right of all peoples to independence, self-determination and free and unimpeded development. These ideas are already reflected in the United Nations Charter. The use of armed force or any other repressive measures against peoples striving for their State sovereignty and independence is categorically condemned in the Declaration on the Granting of Independence to colonial Countries and Peoples, adopted at the fifteenth session of the General Assembly, in 1960. The justice of the struggle against aggression and for the elimination of its consequences by all lawful means of individual or collective self-defence is not subject to any doubt whatever. That is the source of the draft treaty before us.

(Mr. Vejvoda, Czechoslovakia)

The adoption of this treaty by the world community, the world community's assumption of the obligation not to use force in international relations, would undoubtedly serve the interests of the just struggle of oppressed countries and peoples against the vestiges of colonial domination and for their free and independent development.

Furthermore, we cannot overlook the valuable contribution to the attainment of the goals of reforming international economic relations that would be made by effectively banishing the use of force or the threat of such use from international relations. The establishment of a new economic order in the world should be based directly upon the progressive principles of peaceful co-operation, equality, the settlement of disputes by peaceful means, the non-use of force, and non-intervention in internal affairs.

During our Committee's work, a great many arguments have already been adduced in favour of the conclusion of a world treaty on the non-use of force in international relations. We still undeniably have before us very serious questions affecting most important aspects of the development of relations among States with different social and economic systems.

(Mr. Vejvoda, Czechoslovakia)

The successful solution of this problem would be of the greatest significance in enhancing the effectiveness and authority of the United Nations and in further strengthening its role in all areas of international life. The clear and comprehensible draft treaty submitted by the Soviet Union and the views of States Members of our Organization on this question could, as early as the next session of the General Assembly, become a point of departure for a substantive discussion of the question of the conclusion of the treaty. Therefore we whole-heartedly support the provisions of the procedure proposed in the draft resolution in document A/C.1/L.3 submitted by the representative of the Soviet Union, the Deputy Foreign Minister of the USSR, Mr. Kuznetsov, at the 11th meeting of our Committee, on 25 October.

The Czechoslovak delegation wishes to become a sponsor of the draft resolution.

The CHAIRMAN: I thank the Deputy Foreign Minister of Czechoslovakia for his kind reference to our friendship and co-operation, which I fully reciprocate.

I note that Czechoslovakia wishes to become a sponsor of the draft resolution in document A/C.1/31/L.3.

Mr. MARIN BOSCH (Mexico) (interpretation from Spanish): The prohibition of the use of force in international relations is one of the fundamental principles of Mexico's foreign policy. It is likewise one of the fundamental principles of the United Nations. Enshrined in the Charter, this principle has been reiterated in countless international instruments elaborated both within and outside the United Nations system.

The inclusion in the agenda of the current session of the General Assembly of the item entitled "Conclusion of a world treaty on the non-use of force in international relations" affords us an opportunity to focus the attention of this Committee for political and security affairs, including disarmament, on a matter of the highest importance and enables us to assess the possibility of developing a universally recognized rule of international law unequivocally binding on all States.

Both in the letter of 28 September 1976 addressed to the Secretary-General by the Foreign Minister of the Soviet Union and its annex (A/31/243), as in

(Mr. Marin Bosch, Mexico)

the statements made so far in this debate, some of the most relevant aspects of this question have been broached. A number of delegations have stressed that the Soviet draft treaty leaves room for improvement. It is to be hoped that in the year that will elapse between this debate and consideration of the item at the thirty-second session of the General Assembly other proposals on this item will be forthcoming.

The Government of Mexico will give its detailed views on this question after it has studied the proposal carefully. In the meantime we wish to say that we consider that the link established by the Soviet Union in its draft between prohibition of the use of any type of weapon and international efforts in the field of disarmament is very apposite. In this connexion we believe that the wording of article IV of the draft could be slightly amended to reflect the priorities established by the General Assembly in respect of disarmament.

Lastly, we think it desirable to point out that the Soviet Union not only requested the inclusion in the agenda of the current session of the General Assembly of the item on the non-use of force in international relations but also insisted that such prohibition should be given expression in a multilateral treaty also banning the use of any type of weapon, including, of course, nuclear weapons.

As the representative of the depositary Government of the Treaty on the Prohibition of Nuclear Weapons in Latin America -- that is, the Tlatelolco Treaty -- the Mexican delegation attaches special significance to that insistence of the Soviet Union. It should be recalled that in a number of resolutions the General Assembly has reiterated its conviction that the co-operation of nuclear-weapon States is necessary to enhance the effectiveness of any treaty establishing a nuclear-free zone and that such co-operation should be translated into commitments to be undertaken also under a solemn legally binding international instrument such as a treaty, convention or protocol.

The fact that it is precisely the Soviet Union that has submitted a draft treaty on the item before us is to us an indication that that nuclear-weapon State shares the aforementioned conviction of the General Assembly and that it will soon become a party to the additional Protocol II to the Tlatelolco Treaty.



Mr. BALETA (Albania) (interpretation from French): The delegation of the People's Republic of Albania wishes to express its views on some aspects of the matter at present before the Committee. For very well known reasons, this problem cannot have the same meaning for all States and cannot unite all countries in the same preoccupations. In our view it is inconceivable to place all States on the same level when we are considering a problem such as that of the non-use of force in international relations for purposes of aggression. It is inconceivable that countries which practise a policy of aggression and use force can contribute to the solution of the problem.

The imperialist Powers, and first and foremost the two super-Powers, can by their very nature in no way be interested in a just and equitable treatment of the problem. In view of the fact that our Committee has already embarked on a discussion of this question, we cannot allow the imperialist Powers to lead our discussions in the direction they desire, so as to benefit them and undermine the interests of peace-loving peoples.

We should therefore like to stress that it is important to draw a clear-cut distinction between the problem of the non-use of force for the purposes of aggression in international relations and the proposal to include this question on the agenda of this session of the General Assembly of the United Nations. We think we should deal with the substance of the matter and not abstract formulations and see to it that our conclusions are based on real facts and not on misleading phraseology.

If the problem of the non-use of force in international relations is to be raised, if efforts are to be made to seek ways and means of effectively opposing this detestable procedure, which all aggressors throughout the course of time have resorted to, it is only the sovereign countries which love liberty -- democratic, progressive countries -- that are able to do this and that must do this without reposing the least hope in the goodwill of the imperialist Powers and reactionary forces, whose theories and dangerous practices they must firmly oppose.

(Mr. Baleta, Albania)

In the light of reality, it is not even conceivable that an imperialist super Power, as is the Soviet Union at present, could truly be concerned with the consequences of the use of force in international relations. Quite the contrary, if the Soviet social-imperialists who, along with the American imperialists, are known as the worst enemies of the peoples of the world, are seeking to make themselves the standard-bearers of the principle of the non-use of force, many new dangers threaten freedom-loving peoples and sovereign countries.

As is very well known, in recent years the Soviet social-imperialists have stepped up their manoeuvres in order to use sessions of the United Nations General Assembly as a theatre for propaganda and demagogy, thus seeking to conceal the glaring truth that they are profoundly aggressive by their very nature and that they are aiming at world domination and hegemony by engaging in rivalry and making pacts with the American imperialists.

The representatives of the Soviet Union have a habit of submitting a new agenda item at each session, in that way striving to involve Member States in futile discussions, to spread all kinds of illusions, to sow discord and to divert attention from the principal problems of our time. By this means they aim at finding material for their enormous propaganda machines and at veiling their efforts to succeed in their aggressive plans in various parts of the world. In such circumstances, the question arises: What stand should one take against these manoeuvres on the part of the Soviet social-imperialists, and how should we view their cunning proposals?

We believe that, far from permitting the Soviet social-imperialists to derive advantage from the work of General Assembly sessions for the benefit of their demagogy, and indeed in favour of their aggressive and hegemonistic policy, we must energetically denounce their aggressive actions and the falsehood of the slogans which they trumpet.

(Mr. Baleta, Albania)

The combination of the methods of violence and aggression with those of demagoguery is one of the favourite tactics of the two imperialist super-Powers. They have made violence and aggression and the threat and use of force the very basis of their policies. They use demagoguery when they find themselves in difficulties, or when they have a need to disguise their war preparations and aggressive designs in order to lull the vigilance and weaken the opposition of the peoples of the world and then deal them a sudden surprise blow. The many events that have occurred in the past, as well as recent events, testify most clearly to the danger threatening sovereign peoples and countries if they slacken their vigilance ever so little with regard to the aggressive policies of the two super-Powers. The course of events in the world has always proved how dangerous are the consequences of the illusions which

the two super-Powers are striving to create with regard to their so-called good intentions and their "efforts" to contribute to a settlement of world problems.

Threats of force and recourse to force for the purposes of aggression are by no means accidental phenomena. It is not at all the recourse to force for purposes of aggression which engenders aggressive designs and policies. It is precisely these policies and designs which lead to the use of force as a means of achieving their goals.

In our view, when we come to discuss the non-use of force for purposes of aggression, it is fundamental to make absolutely clear who is using force for those purposes. Suffice it to refer to past and present events to reveal the undeniable truth that the first to use force as a means of aggression are the two imperialist super-Powers, the United States and the Soviet Union. The aggressive and hegemonistic policies pursued by those two super-Powers is the principal cause of all the dangers threatening the freedom and independence of peoples, and the source of wars of aggression, and of threats to and violations of the sovereign rights of States.

(Mr. Baleta, Albania)

Are we to believe that the conclusion of a world treaty would mark the end of the use of force for aggressive purposes, or indeed that it would even help to lay the groundwork for attaining that objective? In our view, to believe in this possibility is to be deluded, and any illusion about the subject can cause a great deal of trouble to freedom-loving sovereign peoples and countries. Norms, principles and clauses, treaties and other documents condemning the use or threat of force for purposes of aggression abound, but have they been useful in halting or impeding the use or threat of force? Not at all.

Are we then to hope that, if we add yet one more document to the vast number of those already existing, we shall have taken a step forward? Frankly, it seems to us that such a hope would transcend the very bounds of illusion, because we are sure that the two super-Powers, which have an interest in spreading this kind of illusion, would not be slow to step up their threats and use of force in order to achieve their hegemonistic aims.

It would be superfluous to mention the numerous examples which exist to show that the two imperialist super-Powers have defied all the principles and provisions of the United Nations Charter, the most elementary rules of international law, and even documents that they themselves have signed or proposed, when it is in their interest to resort to force to achieve their goals. Do we need any better evidence than the barbarous aggression of the American imperialists against the Indo-Chinese people, the occupation of Czechoslovakia by the Soviet social-imperialists, their domination of certain countries which they describe as allies and the doctrine of limited sovereignty which they have imposed on them, the Zionist imperialist aggression against the Arab peoples, and the rivalry and bargaining that goes on between the two super-Powers to the detriment of the interests and rights of these peoples? Surely the course of events reveals that the promises of the two super-Powers to respect existing principles and international documents are nothing but a smoke-screen to conceal their aggressive designs and activities. It is always facts which give us the best answer.

(Mr. Baleta, Albania)

The two super-Powers, while making a great deal of fuss about détente, are ceaselessly creating new hot-beds of tension and conflict, whipping up quarrels and sowing discord between other countries, and sustaining, encouraging and supporting reactionary régimes, notably those of the Israeli Zionists and the racists of southern Africa.

At a time when the Soviet social-imperialists are sedulously trying to make us believe that the time has come and that all conditions now exist for putting an end to recourse to force for purposes of aggression through the conclusion of a world treaty, the United States and the Soviet Union are feverishly continuing their arms race, manufacturing and perfecting weapons of mass destruction, increasing their military budgets, and accelerating their war preparations. It is clear that they are maintaining and increasing their enormous arsenals not only with a view to a probable confrontation between the two of them but also in order to intimidate peoples and bring them to their knees, as well as for the purposes of aggression and local wars, which they can then transform into a world conflagration. It is not difficult to see and understand that the two imperialist super-Powers talk of peace but are preparing for war; they speak of disarmament, but are engaging in an arms race. They claim to be the champions of principles, while at the same time they are preparing traps and hatching plots against sovereign States. They make a great deal of publicity about their desire to settle the urgent problems of today, and yet they are intensifying their efforts to dominate the world.

We can also find fine phrases concerning the principle of the non-use of force for purposes of aggression in the documents adopted by the Helsinki Conference on so-called European security. But, in actual fact, the European peoples and many countries of that continent are subject to an ever greater threat. The two super Powers are sparing no efforts to strengthen the aggressive blocs of NATO and the Warsaw Pact. They are organizing within the framework of those blocs and outside a vast series of military manoeuvres of an offensive nature, and there are European countries which are practically under foreign military occupation.

(Mr. Baleta, Albania)

The aggressive fleets of the United States and the Soviet Union in the Mediterranean continue to threaten the countries of that region and are constantly being reinforced with new warships. In other parts of the world as well, rivalry between the two super-Powers is assuming considerable dimensions as each strives to gain military bases and to force other countries, by treaties and alliances, to accept their tutelage.

Freedom-loving peoples and countries are very concerned to prevent the imperialist Powers from capitalizing on their aspirations and concerns and from playing with principles. In order to serve the cause of peoples, we must denounce the manoeuvres of the imperialists and social-imperialists in their attempts to conceal their designs and their aggressive acts behind demagogic slogans. The imperialist Powers and reactionary forces have not spontaneously renounced the use of force: they are not at all concerned about principles and treaties. The peoples of the world can defend their rights and meet the threat and use of force by imperialist Powers by relying on their own strength and vigilance and by striving energetically to consolidate their independence and national sovereignty.

The CHAIRMAN: I should like to inform the Committee that Guinea-Bissau has requested that it be added to the list of sponsors of the draft resolution in document A/C.1/31/L.3.

Mr. ABDEL MEGUID (Egypt) (interpretation from Arabic): Mr. Chairman, I should like to begin my statement by extending to you a greeting and my congratulations on your election as Chairman of the First Committee. Undoubtedly your qualities, your experience and your wisdom guarantee the success of the work of our Committee. May I also congratulate the other officers of the Committee.

The item under discussion is the result of an initiative taken by the Soviet Union and relates to an important question that comes within the competence of our Committee and is linked to world peace and security, for the preservation of which the United Nations was established. It therefore merits our careful consideration and deserves to be examined and followed up appropriately after our discussion.

The efforts made by mankind to prohibit war and establish an international order based on law and justice are the clearest proof that man is seeking a better life, rejecting the use of force as a means of action in the international arena.

Following a terrible war which caused great loss of life and the destruction of vast regions of the world, it was only natural to seek the causes in order to avoid such situations in the future.

While the League of Nations did not succeed in restoring world peace, it none the less made clear the need to create an international organization, the United Nations, based on a cardinal principle of the Charter: that all States shall refrain in their international relations from the threat or 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.

Despite this principle, which is embodied in Article 2 (4) of the Charter, the conduct of States has been governed by the desire for hegemony, as shown by events in the world following the establishment of the United Nations. In the last three decades international security has been threatened by the use of force, which in many cases has taken the form of

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acts of aggression in order to conquer territories and strengthen the occupation of those territories, and to oppress a people and prevent it from exercising its right to freedom and independence. All this led to a crisis of confidence with regard to the Charter and our international Organization.

Questions arose as to the natural right of a country under Article 51 of the Charter, to defend itself in the event of an armed attack on a Member State and this in a world in which the arms race was at its height and the natural rights of States had been denied by the forces of aggression. The Charter, like any other international instrument, does not cover in great detail all the standards of conduct of States. As with any other international instrument or act, the principles would be made more precise by practice. If, despite the Charter, there is still recourse to force in international relations, the international community, represented by our Organization, must stress the need to refrain from the use of force.

This means that, in the present international situation, it is necessary for all the countries of the world to reassert daily the principle of the non-use of force or the threat of force in international relations.

Unfortunately, in our world of today force is still used, in spite of the many political and humanitarian conventions that have been concluded, and some countries are concerned only to protect their narrow parochial national interests.

One of the most positive aspects of the proposal before the Committee is that it enables us to identify the means of preventing the use of force. One of these means, in our view, consists first in increasing the effectiveness of alternatives to the use of force. After that we must eliminate the objective causes of the use of force, following which we must ensure, by the application of the system of collective security laid down in the United Nations Charter, that the decision to resort to force will be much costlier than recourse to other means. Then would come the constraints and conditions concerning the use of force only as a last resort and in legitimate circumstances.

The conclusion of a world treaty on the non-use of force in international relations cannot be achieved unless there is some system that is equally binding for all and guarantees the settlement of international disputes without recourse to force. This legal framework would take into account the actual circumstances of the conflict and freedom of choice.



( r. Abdel Hameed, Egypt )

I would add that the elimination of the objective causes of the use of force is necessary if we are to guarantee the effectiveness of and respect for the principle of the non-use of force. It is useless simply to reaffirm the principle of the non-use of force, when we still see the effects of the use of force, when this nightmare manifests itself in racial discrimination, exploitation, continued aggression and continued occupation of the territory of other States.

In addition, the increased production of the means necessary for the use of force, and the horrifying dimensions of that production, the creation of weapons systems, the traffic in arms -- in short, the level at which the question of war or peace is decided -- are problems to which we must give careful consideration.

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The all too meagre results achieved in the co-ordination of international economic policies and the lack of a strategy of economic and demographic development and the perpetuation of the injustices to which two thirds of the world are subjected could well expose the world to crises of greater and greater acuity that could lead to the use of force. Those who strive to find means of prohibiting the use of force through legal regulations should begin by studying the causes that have led to the use of force. Any reluctance to implement the collective coercive measures provided for in the Charter for putting an end to acts of aggression would encourage the aggressor to pursue the aggression and to repeat it in other regions and at other times. The international community at this stage must endeavour to render the decision to unleash a war of aggression much more costly than the search for other solutions, whenever the maintenance of peace proves to be difficult for one reason or another.

The international community has become aware of the need to elaborate a comprehensive concept of the principle of the non-use of force in international relations. It is for this reason that the General Assembly on repeated occasions has endeavoured to elucidate that aspect and define all its details. This effort led to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, a declaration that was the result of intensive efforts in the course of nine years, efforts in which Egypt constructively participated, convinced as it is of the need to apply the principle of the non-use of force in international relations. That Declaration provides that a war of aggression is a crime against peace and involves responsibility under international law. The occupation of territories by the use of force is contrary to the spirit of the Charter, and the acquisition of territory through the threat or use of force cannot be recognized as legitimate.

In the Declaration on the Strengthening of International Security stress is laid on the obligation of States to refrain from the use of force against the territorial integrity or political independence of other States. This applies also to military occupation and the inadmissibility of the acquisition of territory by force. All States have been requested to refrain from undertaking

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any action to prevent peoples under foreign domination from exercising their inalienable right to self-determination, independence and freedom. States must also refrain from applying any measure which prevents such countries from achieving independence.

That Declaration recalls the substance of resolution 1514 (XV) of the General Assembly which emphasizes the legitimate character of any struggle against alien domination and for the immediate liquidation of colonialism.

That has been complemented and reaffirmed by the General Assembly's resolution on the definition of aggression. Once again, the resolution calls on States to refrain from resorting to force to prevent peoples from exercising their right to self-determination, to freedom and to independence, or from taking measures that threaten the territorial integrity of other States either through the temporary military occupation of their territories or by any other means contrary to the spirit of the Charter. The resolution defines aggression as the use of military force against the sovereignty, territorial integrity or political independence of a State and recognizes the illegitimacy of the invasion, occupation or acquisition of territory by force. The principle of non-use of force is one of the fundamental principles of our Charter. It must be understood in the context of other principles of the Charter. It is for that reason that we welcome the statement Mr. Kuznetsov, the representative of the Soviet Union, made on 25 October, in which he spoke of the initiative taken by the Soviet Union for the conclusion of a world treaty on the non-use of force in international relations. Allow me to quote from his statement:

(continued in English)

"there can be no justification or excuse for the committing of aggression, or for the continuing of aggressive action, or for the forcible retention of territories occupied as a result of aggression, or for the pursuit by an aggressor of a policy of suppressing the indigenous population". (A/C.1/31/PV.11, p.16)

"The conclusion of a world treaty in no way affects the right of States to individual or collective self-defence, as provided for in Article 51 of the United Nations Charter. Nor must it, of course, affect the right of peoples and States to fight for the elimination of the consequences of

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aggression and for the recovery of their lands occupied by an aggressor, if the aggressor is opposed to a just political settlement of a problem or seeks to exploit the advantages of his aggression. We cannot fail to see a difference of principle between the launching of hostilities for the purposes of aggression and the exercise of the legitimate right to repel aggression or eliminate its consequences." (Ibid., p. 21)

(continued in Arabic)

These quotations only confirm what the Charter and a number of international declarations say, while pointing out the aims of the aggressors. I have attempted to make clear to this Committee an immutable fact: that the Charter and the many declarations have clearly shown that the use of force is unlawful as is the result of the use of force namely the acquisition of territory by force. The international community has recognized the legitimate character of the struggles of peoples for self-determination, freedom and independence. However, a question arises. Does what is happening at present in the north-east and in the south of Africa in fact represent respect for the commitments assumed by States? Does not what is happening on the African continent call for more intensive action by the international community? What is happening in the north-east and in the south of Africa is no more than a manifestation of the use of naked power, if we may borrow an expression from Bertrand Russell. The right of one people to survival does not mean the liquidation of another people. Domination by a racist minority can in no way mean the denial of the legitimate right of a people to self-determination, freedom and independence.

I hope that I have made it clear that my delegation favours the discussion of the question of the non-use of force and the need for the international community to take more intensive action on this question.

The CHAIRMAN: I thank the representative of Egypt for the very kind words he addressed to me personally and to other officers of the Committee.

Mr. KARHILO (Finland): The item before the First Committee is important; it deserves our full consideration.

The Finnish Government has examined the proposal submitted to the General Assembly by the Government of the Soviet Union and wishes to make a few comments of a general nature. We note from the draft resolution submitted by the delegation of the Soviet Union that Governments will have an opportunity to offer their views and suggestions on the subject at a later stage, and the Finnish Government will do so in due course.

Finland's foreign relations are based on a policy of neutrality and a sincere desire to maintain friendly relations with all other nations. The security of our people does not depend on the membership of military alliances but is secured by our membership in the United Nations, by our international treaties and by an active pursuit of peaceful solutions to international disputes. Finland therefore has a vested interest in the establishment of a more rational and peaceful world order which naturally excludes the use of force as an element of the national policy of any country. As a consequence of this we welcome all realistic ideas for giving effect to the principle of refraining from the threat or use of force as it has been defined in two documents: the Charter of the United Nations and the Final Act of the Conference on Security and Co-operation in Europe (CSCE).

For the purposes of this debate it is relevant to recall that the principle of the non-use of force is already embodied in a number of basic documents approved by the international community within the framework of the United Nations as well as in other contexts. The Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States prohibits, as its first principle, the threat or use of force. In 1972 the General Assembly of the United Nations adopted a solemn Declaration on the Non-use of Force in International Relations and Permanent Prohibition of the Use of Nuclear Weapons. My Government has given its support to both those declarations.

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Though on a different level, the Agreement between the United States and the Soviet Union on the prevention of nuclear war can be seen as another contribution towards the same end. In the view of the Finnish Government that agreement is a clear expression of the awareness that nuclear weapons have transformed the very nature of security, both political and military, in such a way that war and the threat of war are no longer available as rational elements of the policy of nations, however powerful they may be. Thus, the agreement is an effective contribution to international efforts to implement the principle of non-use of force.

The definition of aggression is another recent contribution to the same end. Finland has supported efforts leading to the formulation of the definition and participated actively in the negotiations leading to the final adoption of the definition of aggression by the General Assembly in 1974.

International relations in today's world are shaped to an increasing extent by the development of détente, which is an essential factor in our common efforts to maintain and strengthen peace and security. But détente is not an isolated phenomenon. The fostering of détente depends on concrete achievements, such as the progress which Europe has been able to witness as a result of the Conference on Security and Co-operation in Europe concluded last year in Helsinki. The CSCE will, we believe, remain an historical landmark in the process of détente. But political détente, however important in itself, is not enough. For a secure world -- in Europe, as well as elsewhere -- arms control and disarmament are imperative necessities, for genuine progress in disarmament is an integral part of détente. Equally, détente should not be the privilege of a few; it belongs to all, because its ultimate aim is peace and security with economic and social justice everywhere and for all.

Norms and principles guiding relations between States have lasting value only if they are respected and put into practice by all States. Similarly, any pledge not to use force, however solemn, will have limited effect unless at the same time we remember our common commitment to settle our disputes by peaceful means alone. Therefore we should

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spare no effort in order to exclude the use of force and any form of aggression from international relations and replace them by the peaceful settlement of disputes and co-operation.

Finland has consistently supported all international efforts to prohibit and prevent the use or threat of the use of force in relations between States. Consequently, my Government has taken the view that it is of importance to explore all possibilities to achieve this aim, particularly with a view to reinforcing the development of détente and co-operation among all nations.

It is in that spirit that my Government welcomes the initiative by the Government of the Soviet Union. In our view, the idea proposed merits the serious attention of all Member States.

Mr. ARNELLO (Chile) (interpretation from Spanish): Chile considers that the defence of peace throughout the world is a moral and juridical obligation of all nations. Consequently, nothing could be of greater interest to us than anything connected with a genuine search for means of contributing to peace and the establishment of peace on juridical, universal bases. Peace can be based only on law, humanitarian values and the recognition by all States of the rights of other nations and the human person. For that reason the fundamental principles that have made it possible to develop an international juridical order represent a set of values, juridical norms and conduct the primary objective of which is to ensure peace throughout the world, promote concord, justice and international co-operation, and further the development and well-being of mankind.

Among those fundamental principles the most important are respect for the right of nations to sovereignty and territorial integrity, non-interference in the internal or external affairs of other States, peaceful settlement of disputes, non-use of force against other States and observance of all treaties. Those are the basic fundamental norms of the world order and the best means of ensuring peace and law throughout the world.

(Mr. Arnello, Chile)

Chile maintains that it is international law based on these principles that should govern international relations and inspire the international policy of all Powers. The broad humanitarian spirit of solidarity and international co-operation of my country and its great tradition of peace and law, substantiate these assertions that we are making on behalf of Chile. In our international position there is to be found no antecedent which runs counter to these views.

Countries like Chile and the other sister Latin American Republics can in no way constitute a threat to peace. It is not those nations that are involved in an unbridled arms race, nor are they accumulating devastating weapons, still less nuclear weapons, which we have expressly renounced. We have renounced the use of those weapons although there are nuclear super-Powers which have refused to accede to the Treaty on the denuclearization of our continent. We are fervent champions of peace and of a just international order governed by law and, in particular, by the most absolute good faith in complying with the obligations established by that juridical order. This, moreover, is fully confirmed by our action in this Organization and is reaffirmed without a shadow of a doubt by the structures with which we have endowed ourselves and which are characteristic of the Latin American system.

We believe that it is in sincere adherence to the principles and purposes of the United Nations Charter and good faith in the fulfilment of the obligations deriving therefrom, and in respect for the rights of others and for our own rights, that we shall find the true road to peace.

The item before us, which has given rise to the foregoing considerations, seeks to focus on a world treaty on the non-use of force in international relations all efforts aimed at ensuring peace. We consider that the proposal has such juridical implications that we cannot avoid considering it in depth, nor can it be postponed for reasons of any other kind. We must establish whether or not from the juridical point of view a treaty of this kind strengthens the international juridical order and whether it is fully effective for the purposes of the United Nations. Similarly, its political connotations



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are relevant and also deserve further study. We must clarify its true scope and full meaning as regards the establishment of important rules of international conduct. We believe that these considerations added to a true appreciation of international reality should enable us to clarify the nature of the proposal as well as the desirability or otherwise of the course proposed in that draft.

We have on the one hand an international order based on law which postulates theoretical norms to govern international relations, and on the other hand we cannot disregard what is shown to us by the situation of the world today. There are international policies to which force is not alien. On the contrary, force is very much present in those policies, which are in fact based on force and which use force in its various manifestations in order to influence decisively international relations. The predominance of force in the international policy of our time is undeniable not only because of the significance of the devastating stockpiles of weapons that are capable of destroying whole nations and the whole of mankind as well, but also because of a kind of deadly balance in terms of their power to kill.

Whether we like it or not, we have this as a set of values by which to discriminate between the powerful and the small nations, between those to which pressure can be applied and those which no one dares touch or investigate, whatever reasons there may be to do so. In other words, we cannot deny that this assessment of force or power has made almost negligible the basic principle of this Organization which establishes the sovereign equality of States. Nevertheless, we maintain that in the principles and purposes laid down in the United Nations Charter, despite the lack of compliance with those principles, we have a definition of international law so precise that it should in itself be sufficient to ensure peace.

If this has not been the result, it is not because there are doubts or gaps, confusion or contradiction, as regards those principles; we know that it is because other considerations prevail in international policies. On the one hand we do not always find good faith in complying with the obligations that derive from the international juridical order and the United Nations Charter; on the other hand lack of compliance by some leads

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to the reluctance of others to renounce their immediate interests or their own policies. And perhaps, as more than one representative has stated here, it is also because the resolutions of the Organization are not duly implemented or the Security Council cannot always enforce them.

In our view, we must carry out a legal study of the proposed treaty in the light of existing international law. The purpose of that analysis must be to define concisely the scope and meaning of such a treaty and the extent to which it might represent a positive contribution to the aim of ensuring peace. In other words, we must establish whether the conclusion of a treaty such as the one proposed is or is not desirable, whether it would truly promote the progressive development of international law or whether, on the contrary, it could weaken or confuse what we have today. We must ask ourselves in beginning this analysis what political aim we are trying to achieve. The obvious reply should be peace, but I would assert that we must not only defend peace but also freedom and law, in other words, the whole body of rights of all nations, large or small, developing or developed: their right to respect for their peace, freedom, sovereignty, territorial integrity, culture and religious beliefs. Peace is an invaluable asset of mankind, but is much more complex than the mere non-use of force. Peace, to be of positive value, requires the existence of a set of juridical and moral values, including first, freedom and law, without which peace is only a silence, which is contrary to the very purposes of the United Nations.

It is for this reason that we wish to clarify the fact that the juridical order created by international law protects and defends not only peace --- and by that we mean not only the non-use of force -- but also a whole set of positive values and assets that are fundamental to the freedom of men and nations. We must also make it clear that those juridical values must be preserved in the international relations of all Powers. Only thus shall we be truly ensuring peace and fulfilling the purposes of the United Nations.

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The aim of ensuring peace is fundamental to the United Nations, and with that lofty aim are other positive and immutable objectives of equal moral and juridical value: respect for the principle of equality of rights of men and women and of nations large and small; respect for the self-determination of peoples; respect for the sovereignty and territorial integrity of States; respect for the sovereign equality of States; respect for and observance of treaties and the principle of the peaceful settlement of disputes.

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Two other ideas result from the principles already mentioned which, because of their importance, have also become principles per se, namely, the non-use of force or of the threat of force against another State and non-interference in the internal or external affairs of other States.

The foregoing must be supplemented by an obligation of general application laid down in the Charter to which we have already referred, namely the duty of complying in good faith with the obligations undertaken under the Charter. If good faith prevailed in the international policy of the great Powers, existing international law would suffice truly to govern international relations. The United Nations Charter clearly establishes the guiding principles of existing international law. The aims set forth in its preamble and the principles and purposes in Articles 1 and 2, in addition to the rules laid down in Chapters VI and VII, have shaped the fundamental structure embodying the aforementioned rights. It is hardly necessary to quote these provisions, which are more than well known to representatives here.

At the regional or at the universal level we have, in addition, a number of legal instruments that accord with these principles and that include specific rules and regulations on the non-use of force or aggression within a set of provisions that are in keeping with the legal principles of the Charter. Thus, for instance, the Inter-American Treaty of Reciprocal Assistance, concluded in Rio de Janeiro in 1947, in article I lays down the following:

"The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty."

We should point out that that Treaty not only spells out what constitutes aggression against a State but also extends its effect to acts which, while not being armed attacks, none the less constitute aggression. For its part, the Charter of the Organization of American States, concluded in Bogota in 1948, in article 18 lays down the following:

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"The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defence in accordance with existing treaties or in fulfilment thereof."

Similarly, the Latin American Treaty on Peaceful Settlement, concluded in Bogota in 1948, in article 1 states:

"The High Contracting Parties, solemnly reaffirming the commitments undertaken under previous international conventions and declarations, as well as the Charter of the United Nations, agree to refrain from the threat or use of force or any other means of coercion for the settlement of their disputes and at all times to resort to pacific procedures."

For its part, the United Nations through a number of instruments has also strengthened and defined the fundamental principles of the international legal order. The Definition of Aggression, which was worked out by a special committee and adopted by this Organization, has given greater precision to the prohibition of the use of force against another State, as laid down in Article 2 (4) of the Charter. That Definition includes legal norms from which none may arbitrarily depart and which must guide the Security Council in its implementation of Article 39 of the Charter.

Moreover, that definition includes a reference to indirect means of aggression which is highly beneficial to the smaller nations. Although it was not possible to define the types of aggression that do not constitute armed attack, as was done in the Inter-American Treaty of Reciprocal Assistance, a provision was included enabling the Security Council to determine which other acts constitute aggression.

Successive resolutions of the General Assembly have shown the validity of the legal order established by the Charter and other existing rules and instruments. Resolution 2131 (XX), which established the inadmissibility of intervention in the internal or external affairs of a State, represents an important step forward, since it equates armed intervention with an act of aggression, even when it differs from the legal definition of an armed attack.

Resolution 2625 (XV) refers extensively to the principle according to which States shall refrain in their international relations from the threat or 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.

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In addition, it refers extensively to the characteristics of aggression and to the manifestations of various forms of aggression in violation of the principles of the Charter. The connexion between the aforementioned principle and the peaceful settlement of disputes, non-interference in the domestic affairs of States, international co-operation, equality of rights and self-determination of peoples, the sovereign equality of States and the principle of compliance in good faith with the obligations laid down in the Charter is clearly set forth in this resolution.

Again, the General Assembly of the United Nations, in its Declaration on the Strengthening of International Security -- resolution 2734 (XXV) -- not only reiterates and solemnly reaffirms the full validity of the principles and purposes laid down in the Charter but also points to their unconditional universal validity for all States, regardless of their circumstances. And here again it is the total sum of the oft-repeated principles that is reaffirmed therein.

All of this makes it possible for us to say that a general aspect of the question before us is respect for all the principles that have been mentioned, a respect conducive to peace, international concord and the achievement of the goals of the Charter. It is respect for all those principles that truly makes it possible for international law to guide and govern international relations.

The use of force is one of the unlawful means, though certainly one of the most serious, that may be used by a State to attack another, but it is not the only one. The legal order and even international concord and world peace can be profoundly affected as a result of the adoption of measures that do not directly involve the use of force within the meaning of the proposed treaty.

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For that reason we state once again that it is the full validity of the set of principles and rights constituting the international legal order and the force with which it channels and governs international relations that will ensure the peace and rights of all nations.

In respect of a more specific aspect -- the non-use of force -- that could be said to be the result of respect for and compliance in good faith with the principles of international law laid down in the Charter. The logical consequence of respect for all rights is the non-use of force in international relations. If all the rights of all the nations are respected, force will not and cannot be used. Force is used when there has been a violation of one of the positive rights laid down in the Charter or of the sovereignty or integrity of a nation, or of any of a nation's basic rights. Thus, if force is used by one State against another, the international legal order laid down in the Charter and other instruments of international law is undoubtedly disregarded.

The true security of nations and peace are to be found in respect in good faith for all of the existing principles and rights. If those principles and rights were respected in good faith, as required by the Charter, there would be no need for the special treaty which has been proposed and which this Committee is now examining. If the existing principles and rights are not respected, then the treaty serves no purpose, since it too would not be respected.

Moreover, as has been pointed out by other representatives here, a treaty that has been signed and ratified by States is positive law for those States. But -- and this should not be forgotten -- a treaty is law only for those States that sign and ratify it; it is not law for those States that fail to do so. On the other hand, the international law emanating from the Charter is law for all States. Any State that violates the Charter breaches the rules of a universal international order.

It has also been pointed out that the draft treaty before us repeats and reaffirms, and even codifies, a basic international principle. Here a

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doubt arises in our mind -- that is, whether that will not lead, a contrario sensu, to a relative weakening of the other principles of existing international law. The question becomes even more complicated if we proceed to a political analysis. The present proposal has an implicit political content. The Soviet Union obviously believes that, because it proposed that the item be dealt with in the First Committee before it was referred to the Sixth Committee. In our view, this political analysis should relate not only to the consideration of the undeniable consequences of the arms race -- as was stated by the representative of the delegation that proposed the consideration of this new item, in his introduction of that item -- but also to other political implications and consequences. The arms race is a real problem, but of most concern is the arms race among the great Powers, and, among those great Powers, the State that has proposed the consideration of the present item.

Everyone is aware of the consequences of the arms race for the economies of all States. Hence, it is hardly necessary to dwell on the subject. Nevertheless, we should like to mention three ideas in this respect. First, it is necessary to make progress in advance on the subjects relating to effective disarmament. Secondly, the growing gap between the nuclear and other military might of the super-Powers and the strength of other nations of the world is of serious concern with regard to the principles of international law, and in particular, the independence and sovereignty of nations. Thirdly, there exist policies under which the sale of weapons to Member States is used as a means of political pressure while on the other hand, considerable amounts of weapons are supplied in a concealed way to subversive groups or factions in particular States. Everyone here is aware of many examples of what I have just said, of this method of using pressure against nations that are not aggressors.

There is another political aspect that calls for some comment. If it is claimed that the non-use of force is a means of ensuring peace, and if it is singled out as the sole aim, it would appear that this would weaken basic principles which are antecedents of peace among nations. For these are the principles which underlie the existence of independent and sovereign nations



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with inalienable rights, nations that are equal before the law and whose rights must be respected and not violated by other States through any means, including the use of force.

That is what we have attempted to show. It is not enough for a nation not to be attacked or not to have force used against it in the form of an armed invasion. All its sovereign rights must be fully respected. Only in that way shall we ensure that neither peace nor international law is violated.

I should like to give some examples. The interference by a super-Power in the internal affairs of a nation can well have disastrous consequences, particularly when it is designed to disrupt that nation's internal peace and national unity, to subvert order or to start a civil war. In such a case it is obvious that the armed force of the super-Power has not been mobilized, but the international legal order has nevertheless been violated, and the independence, sovereignty and rights of the other State have not been respected. For instance, there can be intervention in the internal affairs of a State by means of the provision of tens of thousands of weapons, explosives, and ammunition. In that way the internal peace of a nation has been destroyed, or at least that has contributed to the destruction of the internal peace. People are given the means to kill each other on their own land.

We have seen examples of that in various places in the world. We have seen an increase in covert intervention, leading to counter-intervention, for the purpose, perhaps, of defending positions, principles or convictions. It is not the description of the motives for such intervention that is of interest in this case; we are merely pointing to this problem.

It has not been necessary to have actual war for these painful warlike situations to be created in various parts of the world, for various reasons and with various purposes in mind.

(Mr. Arnello, Chile)

Undoubtedly all those who were fighting were fighting for their own ideals, but there was war. It may be argued that such acts are in no way connected with international relations but rather with the domestic policies of States. That is untrue. Interference by one Power in the internal affairs of another State is a violation of the international order, and when it takes the form of sending weapons, instructors and agitators, its effects are tantamount to the use of force.

The problem has many implications and complications; they are as numerous as the conflicts that disrupt nations and the ideologies in the world today. The problem's political aspects are the same as those of the kind of conflict to be found in the minds of men and their ideas about the future, especially those brought about by the play of political strategies.

There is no time to dwell further on this aspect. It is sufficient merely to mention it.

Regardless of the ideological viewpoint from which we analyse the events of the past 30 years, there is no doubt that they reveal, among many other things, two facts in particular. The first is that force has been used in different parts of the world. The second is that force is used as an instrument of international policy -- in order, of course, to exert pressure or to threaten.

It is also obvious that, in a desire for dominance or even for expansion, a super-Power has sometimes challenged the position or power of another and this has extended to the rest of the world, involving many nations, and in the course of this many rights have been violated.

All this has happened during the existence of the principles of the Charter of the United Nations. The reality of the last 30 years has led to a confusing situation. Peace appears to be safeguarded better by the possible dread consequences of stockpiled nuclear weapons than by the accumulation of all the principles of international law to which we have referred. The power of dissuasion, military balance, limitation of weapons of mass destruction, prohibition of the use of other dimensions for purposes of destruction are science fiction subjects of lively interest among the super-Powers.

What remains of the rights of nations, juridical equality, a system of international relations safeguarded by law, if a word has even been coined which is significant for the understanding of this policy -- significant in both

(Mr. Arnello, Chile)

its true meaning and the erroneous meaning one of the parties has given to it -- a word interpreted as a synonym for the non-use of force when actually it is an expression concerning tension? I am referring to the word "détente". It represents a trigger, an instrument that serves either to shoot or not to shoot; it serves indeed to regulate the shot. This is what was thought necessary to safeguard peace in the world. In other words, the trigger is not pulled by one party so long as the other party does not pull it. That is the situation concerning force. Is this the peace conceived once established by the United Nations international order? We know it is not.

Taking this political analysis to the extreme, we can say the following.

First, the nuclear arms race is fundamentally the responsibility of the great Powers. I must add, with good reason that an essential part falls on the Power that has made the present proposal.

Secondly, the existence of enormous nuclear arsenals and arsenals of other weapons in the possession of the super-Powers makes the disruption of world peace a catastrophe.

Thirdly, world peace is in addition especially threatened by the subversive ideological war introduced into other States by the Soviet Union.

Fourthly, the constant disruption of the international juridical order -- and in particular the principles safeguarding the independence, sovereignty and territorial integrity of nations and the right to international co-operation -- caused by the action of States which interfere in the internal affairs of other States and which militantly polarize some States against others neither secures peace nor serves the purposes of the Charter.

Fifthly, only the predominance of international law in international relations and the prevalence of the purposes and principles of the Charter over the divergent political objectives of States can guarantee peace, law, justice and the freedom of peoples and nations.

From all I have said we can arrive at the following conclusion. The constituent principles of international law, specific norms to govern international relations legally, are clearly defined. On this there is no confusion or doubt. All Member States are well aware of the commitments undertaken under the Charter, in particular the commitment to refrain from the use of force against another State. So it is not a lack of instruments of international law that leads to insecurity throughout

(Mr. Arnello, Chile)

the world and engenders the arms race to which we have referred. What is lacking is good faith, international trust and the will to discharge in good faith the obligations deriving from the Charter.

In these debates it is not customary to refer to specific situations, but we must do so in order to say in all truth that it is precisely that good faith in discharging the obligations imposed by international law that we find lacking in the international policy of some super-Powers. Indeed, it is obvious to many nations and to members of the most varied schools of thought that the Soviet Union uses and intends to continue to use force in its various manifestations and forms in order to pursue its expansionist policy.

In this connexion the Foreign Minister of Chile at this session of the General Assembly said:

"We repeat from this podium that even though it is true that global confrontation has been rendered remote, such an absence of conflict is applicable only in connexion with the prevention of a world war. Soviet communism still practises expansionist aggression, abetted by its ideological penetration and seeking to gain geo-strategic positions everywhere in the world where good faith or the weakness of free countries has permitted or tolerated it." (A/31/PV.18, pp. 91-92)

The Soviet delegation's proposal now under discussion may appear to some representatives to be a positive development. To us, it is at once contradictory and understandable -- contradictory, if we look at the facts of Soviet international conduct throughout the world; understandable, if we consider only its strategic objectives.

The Soviet Union maintains a war economy in which high priority is accorded the arms race, to which it sacrifices the well-being and development of the countries it dominates. More than 24 per cent of the Soviet budget is devoted to military expenditure, which accounts for about 20 per cent of the gross national product of that country. This percentage is three times as great as the percentage of gross national product devoted to military expenditure by the United States. It is five times as great as the percentage of gross national product devoted to military expenditure by the countries of Western Europe together!

(Mr. Arnello, Chile)

The better and greater part of Soviet technology or that acquired by them, by whatever means, is devoted to the production of nuclear or conventional weapons to the detriment of consumer goods and the living standards of the population.

Soviet intervention in many nations, through either internal factions or outside groups, with massive supplies of weapons and war material, is a proven fact. The Soviet Union uses as a weapon of pressure the presence of the Soviet fleet, which includes atomic submarines in all oceans, regardless of the distance from its own national borders and ports. This is a clear demonstration of the use or threat of force as an element of Soviet international policy. Moreover, it is understandable that Soviet strategy should be to lull free nations into a false sense of security in order to mask its efforts to maintain the false image of the Soviet Union as the champion of peace.

Chile, which has already experienced, and fortunately defeated, Soviet communist strategy in its country, has the moral duty to tell the world where this deception can lead.

The Soviet Union has proposed a world treaty on the non-use of force in international relations. Twenty years after the bloody Soviet armed intervention in Hungary, the United Nations has the right to ask whether the treaty proposed by the Soviet Union would in similar situations prevent another Soviet military intervention. Similarly, the United Nations has the right to ask whether the Brezhnev doctrine enunciated to justify the use of Soviet force in the invasion of Czechoslovakia still subsists, with the limitation of sovereignty it implies, and whether it would disappear with the conclusion of the proposed treaty.

It would also be desirable to know whether, for the Soviet Union, the conclusion of a treaty such as the one proposed would inhibit it from continuing to pursue its ideological war throughout the world, intervening unlawfully in other nations, and supporting subversive and even violent acts carried out by Soviet communism in other nations, or if, on the contrary, it would continue to violate the rights of other nations and the principles of the Charter.

(Mr. Arnello, Chile)

It would be interesting to have replies to these and many other questions in order to determine to what extent the fundamental good faith that must prevail in international law could exist under the treaty proposed to this Assembly, so that it might truly represent a further step in ensuring peace, international law and universal concord.

Mr. BISHARA (Kuwait): The non-use of force in international relations is one of the main objectives of the Charter. The obligation to refrain from any threat or use of force is consistent with the purposes and principles of the United Nations and flows directly from the Charter itself. It is unequivocally binding in law and, if strictly complied with, can have far-reaching practical consequences.

It is pertinent to ask this question: Why do States resort to force? It is normally the strong which resort to force as a means of promoting their narrow and selfish interests. In many instances the threat or use of force is employed as a means to coerce weaker States, subdue them or obtain political concessions. In nine cases out of ten force is not used for legitimate purposes such as self-defence or repelling an attack but to extract benefits from a weaker State.

The structure of international security is weak, not because of any inherent defect in the Charter but rather because the enforcement provisions contained in the Charter have never been applied. While Article 2 (4) of the Charter enjoins all Members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, paragraph 5 of the same Article imposes on all Member States an obligation to give the United Nations assistance in any action it takes against a State which is the target of preventive or enforcement action.

The irrationality of the situation has been brought about by the lack of unanimity among the permanent members of the Security Council, without which preventive or enforcement action is not possible. It is probably because of the lack of enforcement action within the framework of the Charter that some countries may feel sceptical about the utility of adding another international instrument in this vital field unless a mechanism is also devised to deter an aggressor State or force it to give up the fruits of its aggression.

(Mr. Bishara, Kuwait)

In the absence of enforcement measures, it is difficult for small countries to see how they can escape the evil designs of more powerful countries. In spite of the provisions of the Charter proscribing the threat or use of force, nothing has so far curbed the temptation of powerful countries to advance their national interests through the use of force or prevented them from using their military power to secure national objectives.

It is the view of my delegation that the use of force in international relations will not vanish simply because the General Assembly of the United Nations adopts the text of a draft treaty providing for the non-use of force in international relations. The matter is much more serious than that; it has deep roots in the fabric of international security and existing patterns of international relations.

My delegation has no doubt that a new international instrument, if properly drafted, will reinforce the relevant provisions of the Charter and serve as a reminder that resort to force in international relations is an evil that must be completely uprooted from the corpus of international society. The world is still replete with cases of aggression, oppression, tyranny, foreign occupation and maltreatment of indigenous populations.

(Mr. Bishara, Kuwait)

The text of the Soviet draft resolution has, indeed, lofty aims. No one can be against the non-use of force. One can hardly doubt the good intentions of the proposal of the Soviet Union. However, the text must be of a comprehensive character such as to cover all possible situations. My delegation finds a lot of merit in the Soviet draft, which, as the representative of the Soviet Union, Mr. Kuznetsov, reminded us the other day, seeks to develop the provision of the Charter on the non-use of force, "making it more concrete and applicable to the present-day international situation". (A/31/PV.11, p. 12) This is a healthy approach. We particularly appreciate the statement of the representative of the Soviet Union, Mr. Kuznetsov, in which he clearly defines his Government's attitude towards aggression, saying that:

"The Soviet Union is firmly convinced that there can be no justification or excuse for the committing of aggression, or for the continuing of aggressive action, or for the forcible retention of territories occupied as a result of aggression, or for the pursuit by an aggressor of a policy of suppressing the indigenous population". (Ibid., p. 16)

A similar intent was expressed earlier by the Foreign Minister of the Soviet Union, Mr. Andrei Gromyko, who said that:

"There is, of course, a fundamental difference between the launching of hostilities for the purposes of aggression and the legitimate right to repel aggression or eliminate its consequences. Can the Arabs, for instance, resign themselves to the loss of their lands? And do the colonial peoples have no right to fight for their independence till final victory? They do indeed have an inalienable right to that". (A/31/PV.7, p. 67)

Though we entirely agree with these remarks, we do not believe that the text is sufficiently explicit in upholding the rights of countries and peoples who are the victims of foreign occupation and oppression.

There must be, in our view, a clear and explicit provision which states that assistance to States that seek to rebuff aggression or eliminate its consequences, or assistance to colonial peoples which fight for their independence shall not be construed as being incompatible with the undertaking by



(Mr. Bishara, Kuwait)

States under article I, paragraph 3, not to adduce any consideration to justify resort to the threat or use of force in violation of the obligations assumed under the proposed treaty. Our apprehensions are increased by the wording of the third paragraph of article II of the proposed treaty which states that parties shall refrain from any action which may aggravate the situation to such a degree as to endanger the maintenance of international peace and security and thereby make a peaceful settlement of the dispute more difficult. The emphasis should not be only on the peaceful settlement of disputes but also on their equitable settlement in a manner that would safeguard the inalienable rights of peoples to freedom and independence, and would ensure the territorial integrity of States and the non-recognition of territorial acquisitions obtained through the use of force.

The draft treaty submitted by the Soviet Union also has minor technical defects. The wording of article V seems to give States some latitude in ensuring compliance with their obligations under the proposed treaty. It is a well-known principle of international law that no State may invoke its constitutional procedures and domestic laws as a means of evading its international obligations.

In the circumstances, we do not believe that there can be degrees of compliance, whether full or, according to the wording of the draft, "fullest".

We fail to see why the treaty should be open for signature at any time. We prefer the practice of opening the treaty for signature for a limited period. States which do not sign can always accede to a treaty. However, we agree with the provision that it should be open for ratification or accession by all States, since the nature of the legal régime involved requires universality.

We are also not happy with paragraph 3 of article VII of the proposed treaty which provides that it shall enter into force for each contracting party upon the deposit of its instrument of ratification with the depositary. We would prefer a provision that would make entry into force of the treaty contingent upon ratification or accession by a certain number of States, especially those which have a record of committing aggression or occupying other territories or which practise apartheid and deny peoples their right to self-determination and independence.

(Mr. Bishara, Kuwait)

The question of the use of force is also closely linked with disarmament. An undertaking not to use force would be meaningless if a system is not established for the regulation of armaments. Arms are not luxury items; their very presence is an indication that the use of force cannot be ruled out. It is true that some may claim that their arsenals are designed for self-defence. However, the overflowing arsenals which by far exceed defensive needs are in themselves an indication that arms have other and more sinister uses than the mere safeguard of the basic right of self-defence.

The delegation of Kuwait sympathizes with the view that the draft treaty should contain a reference to the new international economic order, and especially to the sovereignty of States over their natural resources. Any encroachment on that sovereignty is tantamount to the use of force in a clandestine and surreptitious manner against the basic attributes of nationhood and the well-being of States.

These are but a few tentative remarks that the delegation of Kuwait would like to make at this stage. We, however, agree with previous speakers yesterday and this morning who stated that the draft is of such a momentous character that Governments should be given sufficient time to study it and that the proper time for expressing final views on the text would be at the next session of the General Assembly.

The CHAIRMAN: I should like to inform the Committee about the situation concerning the list of speakers. We have six speakers inscribed for this afternoon's meeting, 24 for tomorrow and seven for Friday; the list of speakers is not yet closed but will be at 5 p.m. this afternoon. I have consulted the Secretariat about the possibility of holding a night meeting tomorrow, but I was informed that there were some difficulties. We could have an extended afternoon meeting either this afternoon or tomorrow afternoon, but in that case there would be some difficulties with the interpretation, as I am informed that interpreters could not be provided for all languages for overtime. It would facilitate the work of the Committee very much if those representatives who are inscribed for tomorrow or intend to be inscribed for tomorrow could speak this afternoon, if they are in a position to do so. That would save some time and certainly facilitate the proceedings of our Committee and allow us to finish our work within the time allotted to us and adhere to our decision to finish the general debate on Friday morning.

I should like to raise another point, which is a technical one. Most representatives who inscribe their names on the list of speakers indicate the approximate time they are going to speak, and I really appreciate that, because it enables the Secretariat to plan the available time accordingly. Without suggesting any limitations on the time allotted to each speaker, I would appreciate it if when a representative indicates that he will speak, let us say for 15 minutes, he would adhere to that as far as possible. If he indicates that he will speak for 15 minutes and then goes on for 55 minutes it is, I think, unfair to other representatives who would like to plan their time.

The meeting rose at 1.15 p.m.