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Chairman: Mr. JAROSZEK (Poland)

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relations

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The meeting was called to order at 10.35 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)

Mr. DOSUMU-JOHNSON (Liberia): I chose to speak first this morning because there seemed to be no one on the list up to the sixth person interested in speaking first. So as a preacher used to speaking to empty pews and because of my responsibility to my Government I decided to speak.

Mr. Chairman, although my colleague has extended the customary congratulatory remarks of my delegation to you, fearful lest my silence on this score be construed as a lack of grateful respect, this being my first statement in the Committee, permit me to express our happiness on your election to the chairmanship of this important Committee and, through you, our esteem and regard for the other officers of the Committee. With your collective experience and your personal wisdom our success is assured.

Agenda item 124 on the conclusion of a world treaty on the non-use of force in international affairs is worthy of serious and unbiased consideration. In essence, this principle is the foundation stone of the United Nations. Every article of the Charter owes its validity, its effectiveness and its manifest implementation to the strict observance of Articles 1 and 2 of the Charter.

(Mr. Dosumu-Johnson, Liberia)

They constitute the *raison d'être* of the United Nations. They emphasize the point that the best way to resolve political problems is by peaceful means rather than by coercion and force. Further, the Charter states that it is possible to solve international problems in the economic, social and cultural fields and to ensure respect for the human rights and fundamental freedoms of all mankind without distinction as to race, sex or social status when those goals are pursued vigorously, not half-heartedly, and in close international solidarity.

I think we all owe the representative of the Soviet Union a debt of gratitude for bringing this issue to the attention of our Organization, in a draft treaty, thereby giving every Government an opportunity to give it due and timely consideration. The adoption of the draft resolution in document A/C.1/31/L.3 should present no difficulty.

Coming at this time, the draft world treaty in document A/31/243 suggests a need for self-examination by the international community as an institution to see whether the essential content of the Charter has been scrupulously observed and whether its provisions are relevant to the needs of the Members in a changing and dynamic world. It is also an affirmation of faith in the Organization as the founding fathers envisaged it in 1945 at San Francisco, and a call for a reconstructed view of the problems we face today.

Thirty years is an infinitesimal period in the existence of a global Organization of this kind, an Organization designed, in the first instance, to build bridges between peoples of different cultures, languages and social systems. Nevertheless, after 30 years we find the world community in a maze of supreme paradoxes, for never have so many people sought national and individual freedoms and welfare on so wide a scale and yet put themselves on the brink of losing all freedoms and welfare; never have so many people been brought together in a spirit of interdependence and yet been divided so violently by the hangovers of antique dogmas, ideologies, myths, slogans, sentiments and attitudes. Instead of eradicating the evils of poverty, ignorance and disease we seem to be compounding them.

(Mr. Dosumu-Johnson, Liberia)

But this cannot be imputed to the Organization as such. It is the result of the short-sighted intrigue of some Members, which puts nations against nations with promises and more promises that are sometimes never fulfilled. A reconstructed view of the international structures will not offer a panacea for all that is wrong in our one world; it will not make all men equal, but it certainly will reduce inequalities in the distribution of the world's goods and thus lead to real and meaningful co-operation, which is the heritage of all mankind.

The draft treaty is deficient in many particulars. It fails to take into consideration the fact that economic brotherhood in all its implications is the prerequisite for international peace and security in a treaty framework. This implies the need for a new world order in which the economic dependence of newly independent nations on aid and assistance is replaced by a mutually beneficial partnership. So long as the gap between the rich, developed States and the poor, developing States exists it will pose a potential threat to international peace and security. There is a growing anxiety in the countries of the third world, especially when they read such things as, in The New York Times of 15 October 1976, "Multinational corporations turning away from investments in third world lands". Peace and security must be seen within the context of a serious and genuine desire to exploit and distribute the resources of the world for the benefit of all concerned, devoid of the inequities of the present international economic system.

It should be admitted that a treaty such as is now envisaged, whether by this or any other Committee, must take into consideration the infrastructural needs of the third world. In this context, Sir Lester B. Pearson, as quoted by Jan Timberger on page 59 of his book on reshaping the international order, said in 1968:

"Peace is progress, peace is growth and development. Peace is welfare and dignity for all people. The nations -- developed and developing -- must work together; each side has its responsibility to this end. They must do so not merely by transferring resources from those who have to those who have not, in conditions which make progress possible. There must be international, economic and

(Mr. Dosumu Johnson, Liberia)

financial policies which recognize the interdependence of all nations and will help the poorer ones to grow. If after the political, economic and financial experiences of recent years we still think that States, however proud and independent they may feel, can go it alone in these matters, ignoring each other's interest, and above all the interest of the impoverished and backward States, then we are beyond redemption. Before long, in our affluent, industrial, computerized jet society, we shall feel the wrath of the wretched people of the world. There will be no peace."

(Mr. Dosumu-Johnson, Liberia)

In the nature of things as practised rather than in rhetoric, a world treaty should provide adequate guarantees against unwarranted imposition by great-Power rivalry. It must guarantee access to technological and scientific information, which at the moment is the monopoly of the developed nations. It must liberalize trade facilities. It is not enough to maintain that ratification is a sufficient protection against transgressions by the powerful.

History teaches that international guarantees should not be relied upon. I shall not bore the Committee by attempting a recital of examples here. All know of all the treaties and the agreements which have been signed by the so-called great Powers and, in the end, we all remained at the mercy of the guarantees of the powerful. I shall not give any specific examples; if I wanted to do that, I should merely have to go back to the very recent past before the Second World War of "peace in our time".

The effect of a universal world treaty will be transient and will not be a basic cure. This draft treaty should provide a specific escape clause to allow individual signatory Powers to withdraw should they find that such association is not in their best interests. We should remember that there is an essential principle of international law, with which all students of international relations are familiar, to the effect that no State can free itself from a contractual undertaking or change its conditions unless the other parties consent.

The only practical guarantee which will be expeditious and effective is to return to our efforts of some years ago aimed at a programme of a peace-keeping force under the authority of the Secretary-General capable of being alerted at a moment's notice to danger spots -- a peace-keeping force which already exists. Otherwise, we shall merely continue to come again and again to the Security Council and be baffled and, by the time a decision is taken, we shall find that the big Power has swallowed up the small Power because of its superiority in armaments. Yes, such a peace-keeping force is the only way out. This would obviate dependence on delays resulting from the friend-foe-neutral foreign policy equation, with its components of power -- little Power, big Power and super-Power -- combined with differences in size, strength and development among nations. A permanent peace-keeping force is the surest way of redressing inequalities and imbalances posed by the power structure.

(Mr. Dosumu-Johnson, Liberia)

In view of the fact that my delegation is not competent to pass judgement on the acceptance or rejection of the draft treaty before us, it will be transmitted to my Government for appropriate action.

I reserve the right to speak again if should circumstances so dictate.

The CHAIRMAN: I thank the representative of Liberia for his kind remarks addressed to me and the other officers of the Committee.

Mr. PAPOULIAS (Greece): Mr. Chairman, since this is the first time that I have spoken in this Committee, I have particular pleasure in extending to you my warmest and most sincere congratulations upon your election as Chairman of this important Committee. This constitutes a recognition of your high qualifications, your authority, prestige and vast knowledge of the important matters being discussed in this forum. It is also a matter of great satisfaction to the Greek delegation that you represent a country with which Greece has traditional friendly relations. May I also express my personal pleasure at seeing at the rostrum a colleague whom I had the privilege of knowing while he was serving his country in another important post in the recent past. Our congratulations also go to the other officers of the Committee.

During the general debate of the thirty-first session of the General Assembly the Minister for Foreign Affairs of Greece, commenting on the introduction to the report of the Secretary-General on the work of the United Nations, observed -- and I think this view was shared by many delegations -- that we had to admit that the United Nations was still far from realizing the lofty ideals of the Charter and from establishing the security system envisaged in it. He stated further that it was unfortunately true that 30 years after the founding of the United Nations, a period that represents a full generation in the history of mankind, we continue to be in a state of transition which is marked by the erosion of the rules upon which the present system rests. A resurgence of anachronistic chauvinism, a tendency to return to the age where "might comes before right" and a lack of respect for the decisions and resolutions of the principal bodies of the United Nations, particularly of the Security Council, have helped produce this unsatisfactory situation.

(Mr. Papoulias, Greece)

Without having to go into a detailed analysis of all the reasons and factors that have led to this state of affairs, we can safely say that, if we wanted to contribute to redressing the present deficiencies, we should urgently direct our action to the following main problems which are the dominant ones with regard to the role of the United Nations: first, how to exclude in international relations 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, as stipulated in Article 2 (4) of the United Nations Charter; secondly, how to provide for effective means and measures to ensure respect for the provisions of the Charter and the implementation and enforcement of the resolutions and decisions of the General Assembly and especially of the Security Council.

Undoubtedly, there can be no serious deterrent for those violating Article 2 (4) of the Charter, for the aggressors and the would-be aggressors, unless the international community seriously tackles the question of applying Chapter VII of the Charter, which has so far been left a dead letter.

(Mr. Papoulias, Greece)

It has to be recognized that these problems to which disarmament and relevant questions could be related, encompass the fundamental issue of international peace and security, and that it would be highly desirable to ensure comprehensive and parallel progress on all aspects, in a balanced manner. That would be the ideal way to proceed. Since, however, this goal seems difficult to attain, at least in the foreseeable future, we should certainly encourage initiatives that tend to give an impetus to solving any one of those crucial problems. Progress in one sector might generate progress in other sectors too.

Coming to the item under discussion, we have to agree with the observation made in the explanatory memorandum of 28 September 1976 submitted by the USSR delegation in connexion with the request for inclusion of this additional item, number 124, that

"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)

That is an irrefutable fact, and Greece, which is situated in an area where the threat or the use of force has been exercised, cannot but acknowledge the painful accuracy of that observation.

We therefore think that the initiative taken by the Soviet Union and the other sponsoring States responds to a deeply felt need to reinforce the Charter, and as such we welcome it. We agree with those who argue that, notwithstanding the fact that the Charter contains provisions against the threat or the use of force, there is room for reaffirming or making more precise the terms of the prohibition of the threat or the use of force.

A series of important texts have already been adopted, both inside and outside the United Nations. I would mention the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)), the Declaration on the Strengthening of International Security (resolution 2734 (XXV)), the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations (resolution 2627 (XXV)), the resolution on the non-use of force in international relations and permanent prohibition of

(Mr. Papoulias, Greece)

the use of nuclear weapons (resolution 2936 (XXVII)), the resolution on the definition of aggression (resolution 3314 (XXIX)). In the last-named resolution, in article 5 especially, aggression in all forms is condemned as a crime against international peace. Last year the Final Act of the Helsinki Conference on Security and Co-operation in Europe was signed. It too explicitly condemns the threat or the use of force. Next year there will be a welcome follow-up to the Helsinki Conference in Belgrade.

All those important documents have in one way or another sought to reaffirm the provisions of the Charter, and there is little doubt that any strengthening of the principle of the non-use of force or the threat of force that can be brought about will have served a purpose.

The initiative of the Soviet Union is favourably received by my Government for the reason also that it comes as a further step in the process of détente which is sanctioned by the Helsinki Final Act. Greece, which bases its foreign policy on the principles of the Charter, as well as on the principles of the Helsinki Final Act, particularly with respect to the non-use of force or the threat of force, stands ready to offer its contribution.

It is perhaps too early at this stage to go into a detailed analysis of the proposed draft world treaty. None the less, we would offer some preliminary observations -- for instance, that while we are in principle in agreement with the draft treaty's general tenor, we consider it necessary for the text to contain a specific mention of Article 51 of the Charter, regarding the right of States to individual and collective self-defence. We should also prefer to see in the text a formulation nearer to principle II of the Helsinki Final Act, entitled "Refraining from the threat or use of force". That formulation is:

"No consideration" --

I stress the words "no consideration" --

"may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle".

(Mr. Papoulias, Greece)

We are gratified to note that the sponsors of the draft resolution before the Committee have expressed their readiness to discuss such aspects with interested third parties, and we have also taken due note of their assurance that the draft treaty will not infringe upon the struggle of colonial peoples for self-determination and independence or upon the struggle for the liberation of territories seized by force, as these forms of struggle indeed constitute a legitimate defence against continued aggression and therefore fall under Article 51 of the Charter.

Those and related matters can be considered in the proper forums where the text of the draft treaty will be examined.

In view of what I have just said, the Greek delegation will vote in favour of the draft resolution before us in document A/C.1/31/L.3.

The CHAIRMAN: I thank the representative of Greece for his kind references to the friendly relations between our two countries, as well as for the generous remarks he addressed to me personally and to the other officers of the Committee.

Mr. GURINOVICH (Byelorussian Soviet Socialist Republic)(interpretation from Russian): During the general political debate in the plenary Assembly and during the discussion in the First Committee, the political Committee, of the question of the conclusion of a world treaty on the non-use of force in international relations, deep concern has been expressed that the use of force should be banished from international life, thus reducing even more the threat of war and creating favourable conditions for progress towards disarmament. That noble idea has been the keynote of the statements of the delegations of many States, those that possess nuclear weapons and those that do not, those that have powerful modern armed forces and armaments and those that do not, developing countries and developed countries, large countries and small countries, countries with various social systems. Thus, the important initiative of the Soviet Union has met with broad support and sympathy and has been properly viewed as a major, timely and constructive contribution to the strengthening

(Mr. Gurinovich, Byelorussian SSR)

of international peace and security. Only one or two delegations ventured, from the very beginning, without studying this vitally important question, to oppose even the idea of concluding a treaty. That position has nothing whatever in common with the concern of the peoples of the world, including the peoples in their own countries that an end should be put once and for all to the practice of using force in international relations. Those delegations have been quite clearly in total isolation from the others. That has been demonstrated by the concluding stage of the discussion.

The struggle against wars of annexation, against the use of force in relations among States, has been waged for a long time now by the peoples of the world. It is noteworthy that upon the victory of the great October socialist revolution in Russia, the first Lenin decree -- the decree on peace -- proclaimed the principle of the total renunciation of all forms of aggression.

(Mr. Gurinovich, Byelorussian SSR)

In spite of the aggressive policy of imperialist, fascist and militarist circles, this principle met with growing acknowledgement. Following the victory of the peace-loving peoples in the Second World War, the adoption of the United Nations Charter and the extension of the membership of the Organization, almost 150 Member States have undertaken to abide by the principle of refraining in their international relations from the threat or use of force against the territorial integrity or political independence of any State.

We know too that in the post-war period, and particularly in recent years, thanks to fundamental changes which have occurred internationally, many States in the light of the existence of the United Nations Charter, have in their bilateral and multilateral agreements and treaties repeatedly confirmed the obligation not to use force or the threat of force in international relations.

On this score many examples have already been adduced but in view of what has been said by individual delegations it is worth reminding Members that it is precisely because of Article 2 (4) of the Charter that in the United Nations Member States have taken decisions condemning aggression and war propaganda and calling for compliance with the principle of the non-use of force in international relations.

The General Assembly proceeded accordingly in practical terms at each of its sessions. At the twenty-fifth, twenty-seventh and twenty-ninth sessions special declarations and resolutions were adopted developing and giving substance and precision to the fundamental Charter principle of the non-use of force in international relations, as has been mentioned by many previous speakers. Furthermore the General Assembly also said that the progressive development and codification of the principles laid down in the United Nations Charter:

"... so as to secure their more effective application within the international community, would promote the realization of the purposes of the United Nations." (resolution 2625 (XXV), annex)

It should also be stressed that in recent years, when détente has become a predominant trend in international life, almost all States have confirmed their devotion to the principle of the non-use of force in international relations. This is reflected in the Final Act of the Conference on Security and Co-operation in Europe, which was signed by the leaders of 33 European countries as well as the

(Mr. Gurinovich, Byelorussian SSR)

United States of America and Canada. It is also reflected in numerous decisions of the Conferences of Heads of State or Government of Non-Aligned Countries and also of conferences of developing countries.

Strict observance of the principle of the non-use of force has been supported by various other intergovernmental and non-governmental organizations and in influential forums of world public opinion. In the final document of the Conference of Communist and Workers' Parties of Europe held this year, entitled "For Peace, Security, Co-operation and Social Progress in Europe", the participants declared that they considered it

"... urgent and necessary to cease and ban propaganda for aggressive war or any form of threat or use of force."

They also said that all States should assume the obligation

"... not to use force or threaten its use in international relations in any circumstances whatsoever."

None of us can fail to realize that the existence in the United Nations Charter and the repeated confirmation in other documents of the principle of the non-use of force in international relations has not rid mankind of many local wars and conflicts in various parts of the world. Basing itself on the position of peace-loving forces, the United Nations has made its contribution to the struggle against aggressive war and imperialist provocation. In this regard a great deal has been achieved, although there still exist in the world sources of tension, explosive areas and conflicts engendered and sometimes even exacerbated by the forces of imperialism, colonialism and racism. In its struggle for the total elimination of these ills and for peaceful settlement, the United Nations should do everything in its power to ensure that in view of the present condition of substantial positive changes in the international situation additional efforts are undertaken to strengthen the principle of the non-use of force or the threat of force in international relations and make it an irrevocable international legal obligation on all States. It is precisely this end that is served by the Soviet draft world treaty on the non-use of force in international relations.

The statement of the First Deputy Foreign Minister of the USSR, Mr. Kuznetsov, and those of many other delegations have contained detailed explanations of the essence and significance of the articles of the proposed

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draft treaty. We should like to stress that every formulation in it is based upon universally acknowledged norms of international law and that it coincides with many multilateral and bilateral documents adopted earlier by Member States of the United Nations. The proposed treaty, which excludes from the international relations of States the use or threat of force involving any type of weapon, including nuclear or other types of weapons of mass destruction on land, on the sea, in the air or in outer space, lays particular stress on the obligation of States to resolve disputes among themselves exclusively by peaceful means in accordance with the United Nations Charter, and makes that obligation the essential norm governing the conduct of States.

As has already been pointed out by many delegations, a great merit of the proposed treaty is the organic unity it lays down and the direct link it proposes between the problem of the non-use of force and the consistent implementation of effective measures to reduce military confrontation and to achieve disarmament in order to attain the ultimate goal -- that of general and complete disarmament.

The conclusion and strict observance by all States of such a treaty would make the present arms race absurd and pointless and would create favourable conditions for a changeover from the dangerous arms race to the practice of systematic reduction and elimination of stockpiles of weapons.

Speaking figuratively, we want to turn swords into ploughshares and use the funds thus released for economic and social needs. It would then be possible to create a fundamentally new international situation in which the trust engendered by a treaty on the non-use of force would become multifaceted co-operation between States in carrying out the most important tasks that confront them. Each State which adhered to the world treaty on the non-use of force in international relations, which would have no time-limits, would receive from all parties to the treaty a firm and constant guarantee of their security, territorial integrity and political independence. We believe that that is entirely feasible if all peace-loving States will strengthen their unity, vigilantly guard peace and strive for the total isolation of aggressive forces; if States take the appropriate measures in accordance with their constitutional procedures to ensure the fullest possible compliance with their obligations under the treaty.

(Mr. Gurinovich, Byelorussian SSR)

We also believe that States, in adhering to international treaties, assume the obligation to comply with them. In this regard, efforts to ensure universal participation are particularly important, especially in regard to participation by the nuclear Powers in the world treaty. The time has come to take measures to exclude completely from international relations the possibility of the use or threat of force.

(Mr. Gurinovich, Byelorussian SSR)

We find entirely unfounded the position of those individual countries which have sworn their fealty to the United Nations Charter, which have signed the Final Act of the Conference on Security and Co-operation in Europe and which have not voted against the numerous United Nations resolutions on the question of the non-use of force in international relations, but which today, having recourse to legal casuistry, are trying to avoid supporting a proposal that would strengthen the Charter provision on the non-use of force in international relations.

Nor do we find well founded the assertion by those delegations to the effect that in taking new decisions and assuming new obligations in accordance with the United Nations Charter on questions pertaining to the strengthening of peace, disarmament, decolonization, economic and social progress and respect for human rights, we, as they have it, are weakening the Charter.

Quite the contrary: in assuming additional obligations in compliance with the Charter, we are strengthening it. The USSR proposal to conclude a world treaty on the non-use of force in international relations serves precisely the same ends.

The delegation of the Byelorussian SSR notes with satisfaction the correct interpretation by delegations of Asian, African and Latin American States of the draft treaty with regard to the correctness and legitimacy of the struggle of colonial peoples for their freedom and independence by any means available to them -- a point which has been confirmed by decisions of the United Nations and by many other international documents.

Of course, the proposed world treaty does not affect the inalienable right of any State to individual or collective self-defence or to the elimination of the consequences of aggression and the restoration of territorial integrity, sovereignty and independence, which have been harmed as a result of aggressive war or the annexation of territory.

(Mr. Gurinovich, Byelorussian SSR)

The conclusion and unswerving observance of the world treaty on the non-use of force in international relations would banish aggression, brigandage, the suppression of national liberation movements, the annexation of the territory of others, and political or other kinds of pressure under the threat of use of force. Thus a new, concrete contribution would be made to intensifying and giving substance to international détente and to strengthening international peace and security.

There can be no doubt that the easing of international tension has created favourable conditions for the conclusion of a world treaty on the non-use of force in international relations. The very fact of its conclusion, the transformation of the principle of the non-use of force into an immutable international legal obligation for all States, including nuclear States, would in its turn ensure the further intensification and development of détente and its extension to all parts of the world, and would endow it with stability and make it irreversible. It is worth working hard to attain this noble end. The fulfilment of the age-old dream of mankind -- of peace without wars of aggression or annexation or the burdens of armaments, of a peace that would allow no place for the threat of force, arbitrary rule, colonial oppression, the disruption of the equality and independence of peoples, manifestations of inequality, diktat, and exploitation in international economic relations -- is something which the United Nations and all States agreeing with its principles and purposes should work towards. In such a world the opportunities for the development of mutually advantageous fruitful co-operation among States, the successful solution of the most important social and economic problems of the day and the ensuring of a better future for mankind would be increased many times over.

In considering the question of the conclusion of a world treaty on the non-use of force in international relations it is our belief that in order to implement this proposal we need the goodwill and political wisdom of all States: that is, we should take a political decision that it is necessary to conclude such a treaty and continue working on it on the basis of the draft submitted by the Soviet Union.

(Mr. Gurinovich, Byelorussian SSR)

In conclusion, the Byelorussian delegation wishes to recall the following statement from the declaration by the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Comrade Brezhnev, on the occasion of the thirtieth anniversary of socialist Poland:

"For centuries mankind has aspired to ensure its security, guided by the formula, 'If you want peace, prepare for war.' In our nuclear age this formula conceals a very particular danger: man dies only once, but in recent years such a vast volume of weapons has been stockpiled that it would be possible to destroy all living things on earth many times over. In the light of this clear understanding, we have said, and we repeat: If you want peace, pursue a policy of peace, and fight for that policy. This has been, remains, and will continue to be the motto of our socialist foreign policy."

Guided by these considerations, the delegation of the Byelorussian SSR warmly supports the proposal to conclude a world treaty on the non-use of force in international relations, and wishes to become a sponsor of the draft resolution on this question -- a draft resolution of which many other delegations, from Europe, Asia, Africa and Latin America, have also expressed their wish to become sponsors.

I should like to extend my congratulations to you, Comrade Chairman, the representative of fraternal Poland, upon your election to preside over this First Committee.

The CHAIRMAN (interpretation from Russian): I thank the Foreign Minister of the Byelorussian SSR for his kind words about my country and me personally.

The Committee takes note of the wish of the Byelorussian delegation to become a sponsor of the draft resolution (A/C.1/31/L.3).

(spoke in English)

I wish to inform the Committee that Mozambique also has become a sponsor of the draft resolution just mentioned.

Mr. SCALABRE (France) (interpretation from French): Abolition of the resort to force in international relations is obviously the main objective which the United Nations has set for itself ever since its creation. It is the Organization's very raison d'être, and its entire philosophy could be summed up in this formula, since the task of the United Nations is, primarily, to replace confrontation by negotiation, to settle disputes by peaceful means, to ensure that reason and law triumph over brute force and, in a word, to ensure security and peace where fear and war had existed.

Despite widespread recognition of this principle, it has nevertheless not always been complied with since the creation of our Organization. Even though a third world war has not broken out, despite the fact that we have many times run the risk such a war, serious confrontations, albeit localized, have caused bloodshed in many regions of the world and, during the past 30 years, millions of human beings have perished in armed conflicts whose outbreak could have been avoided had there been respect for the principles of our Charter.

The danger of the outbreak of new conflagrations, by the same token, has not been ruled out; there are still a number of hotbeds in various parts of the world, and the accumulation of weapons, fruitlessly denounced by the most authorized spokesmen, keeps alive a threat that is offset only by the delicate strategic balance which is always in danger of being upset.

Thus the intentions of the authors of the draft treaty submitted to our Committee evoke the interest and understanding of my delegation. The problem of the non-use of force is doubtless the most important of all those confronting mankind. Its settlement is a prerequisite without which one cannot expect to achieve any satisfactory solution of the other problems which face us, whether they be those of development, the social and cultural progress of mankind, or respect for human rights. The resort to force can at any moment threaten the independence and progress of any nation, and, in the light of present-day means of destruction, such an outbreak, if extended, could cause the extinction of the human species.

(Mr. Scalabre, France)

I believe that we all agree on the importance to be attached to a study of the means to ensure a constant respect for this principle. It therefore appears timely to us that the attention of our Organization should once again have been drawn to that need by the Soviet Union.

The documents that the Soviet Union has submitted remind us that in the course of recent years the principle of the non-use of force has been reaffirmed in a number of negotiations of a bilateral or regional nature. Within the framework of our Organization, a number of declarations touching on respect for the principle, declarations whose political and moral value are undeniable have also been adopted and unanimously endorsed by Member States.

However, the proposal submitted to us today by the Soviet representative and a number of co-sponsors approaches this problem from a different aspect since it implies embodying the principle in the conclusion of a world treaty on the non-use of force. My delegation does not, at this stage, intend to undertake a study of the provisions of the draft treaty submitted to us, but rather to speak to the very principle of this approach on which we should like to make some preliminary comments. Those comments, so far as we are concerned, are only by way of a supplement to the declaration made by the Acting Chairman of the nine members of the European Economic Community before this Committee yesterday, a declaration with which France associates itself unreservedly.

The principle of the non-use of force is already set forth in our Charter, in clear and excellent terms, and its unchallengeable validity so far as positive law is concerned has been unanimously recognized by all States throughout the world. It is, in fact, international law.

A world treaty could not add any essentially new substantive elements to that. It could only repeat in other terms what has already been said. But might it not thereby tend to weaken the Charter instead of strengthening it? By stressing the need to elaborate a new international law on the question of the non-use of force might it not lead one to believe that that principle had lost its imperative nature and would this not imply that certain provisions of our Charter lose their force with the passage of years? Furthermore, such a treaty might make a differentiation between the provisions of the Charter

(Mr. Scalabre, France)

some of which would be retained in the treaty and others not. This in turn might lead one to believe that these principles are of unequal value and interest.

Furthermore, would a world treaty really be the best way of ensuring the implementation of the principle of the non-use of force? That is a moot point on which we still have certain doubts. We are talking of a principle that should be applied by all States vis-à-vis all other States, regardless of the nature of the ties or agreements existing between them. Furthermore, that is the régime under which we live since we are all signatories of the Charter. But a treaty can only set forth obligations that are valid and applicable to the signatory parties. What, then, would be the position of those Powers which refused to associate themselves with a treaty on the non-use of force when they have accepted the Charter?

Do we at present have any assurance that such a treaty, which by its nature aspires to universality, will, in fact, be so rendered by adherence to it? If not, how will the network of obligations established among States parties to the treaty fit in with the obligation deriving from the Charter, which, according to Article 103, shall prevail?

It is true that it is not on the Soviet draft treaty that we have to pronounce ourselves in the First Committee now, but rather on a draft resolution proposing that such a draft treaty be studied. However, this draft resolution already contains the principle of the conclusion of such a treaty and proposes it as the basis of the study that we are invited to make.

My delegation considers that it would be premature from the outset thus to take a decision on such an important question without having previously, exhaustively and comprehensively studied all its consequences and implications. We are, therefore, sorry that in these circumstances we are today unable to give support to a text that in itself -- however laudable may have been the intentions of its authors -- prejudices the solution of the problem that is before us.

My delegation, however, reserves its right to make known the views of the French Government on all the types of problem that are raised by the important question of the non-use of force, within the framework of any investigation that the Secretary-General may carry out on the subject.

Mr. MIKANAGU (Burundi) (interpretation from French): Mr. Chairman, speaking for the first time in this Committee since the beginning of our work I personally am extremely happy to tender to you the warm congratulations of the delegation of the Republic of Burundi, for I have worked with you and with the Polish delegation for a number of years on the problems of disarmament. Your experience and your calm approach to matters guarantee success in our work.

We are also gratified at the choice of our Vice-Chairmen and Rapporteur. We offer the officers of the Committee our delegation's full co-operation so as to achieve success in the First Committee's work.

My delegation has very carefully studied the proposal submitted by the delegation of the Soviet Union. This proposal to achieve world peace without resort to force and weaponry echoes one of the sacrosanct principles of the Charter of the United Nations.

(Mr. Mikanagu, Burundi)

In fact it is 31 years since the United Nations was created and its Members proclaimed in San Francisco their intention to save succeeding generations from the scourge of war, which twice in their lifetime had brought untold sorrow to mankind, and also to practise tolerance and live together in peace with one another as good neighbours. This concept, which was intended to make our Organization a link of concord among nations of the world, whose international problems were to be resolved by negotiations and peaceful means, based on reason and justice, thus constitutes the ultimate and highest aspiration and hope of mankind on this planet. Unfortunately, since the signature of the Charter, in their course of exploitation and domination, the great Powers, whose political theory is power and strength, have continued their aggression and their interference by taking part in many conflicts all over the world.

We note that the use of force has been intensified and that acts of aggression are perpetrated all over the world despite the noble principles of the Charter. Therefore I think it is timely to recall Article 2 (4) of the Charter, which prohibits the threat or use of force. That is why my delegation, which attaches great importance to the non-use of force or the threat of force, welcomes the initiative taken by the Soviet Union in calling for the conclusion of a world treaty on the non-use of force in international relations. However, we trust that the right of legitimate self-defence against any aggression will be recognized in such a treaty and that the colonial peoples will retain the right to use all means at their disposal to obtain their freedom.

As we enter this last quarter of the twentieth century, we venture to hope that at the same time we are entering a new era in which the threat or use of force, blind power, domination and racism will finally be brought to an end. It is true that in the course of man's history the human race has always sought by the use of force to obtain privileges over and domination of the weaker. Europe so distinguished itself in this domain of aggression, the conquest of other countries, colonization, imperialism and racial discrimination, that it finally found itself involved in the calamity of two world wars. And, despite the fundamental principles of the United Nations, the Western Powers departed from the spirit of the Charter to enter into the cold war, which led them to wars of aggression in the world and the arms race. However, now there is a change in history. A more favourable climate of détente exists between East and West. The first seeds of

(Mr. Mikanagu, Burundi)

peaceful coexistence among the great Powers possessing different social systems have now been sown, and the peoples of the third world increasingly refuse to be an arena for the rivalries of the great Powers and are achieving great success in the international scene. A radical change has thus occurred in the international sphere, and thus we face the appearance of a new era in international relations. Therefore it is appropriate and timely to reaffirm the principle of the non-use of force or the threat of force.

A certain philosopher has said that there are three moments in human wisdom, three stages along the road where man progressively overcomes the duality inherent in him -- his primitive, savage, cruel nature and his human, reasonable, moral nature. We must note that between these two there is a heroic nature where the irrational forces are gradually overcome. The reasonable, moral nature is thus only an aim and history must work to achieve it. It may well be that we are living in a heroic period when the irrational forces of power and the use of force will be overcome. We can but hope so. Certainly armed conflicts still occur in the world, wars are declared and aggression is committed. It is for this reason that we should give a new impetus to the sacred principle prohibiting resort to force or the threat of force in international relations.

The developing countries should in fact give more importance to this question of the non-use of force, because they are being forced to agree to considerable military expenditure which deprive them of the means of development and thus of the ability to resist possible aggression in the future. They do not lack military arsenals since the great Powers, whose most prosperous industries are those of war, wish to dispose of their obsolete military arsenals. Therefore we should deplore the fact that the developing countries are unable to become fully politically independent, because of the traffic in weapons being carried on by the great Powers. Indeed, the countries of the third world, however poor they are, are forced to purchase from those great Powers the weapons they need to ensure their security. Those weapons are sold to them, but those sales are always linked to political conditions.

My delegation feels that the prohibition of the use of force in the settlement of international problems is the noblest aspiration of mankind. For this reason, my Government will study very seriously the draft presented by the Soviet Union and will inform the Secretary-General of its views.

The CHAIRMAN: I thank the representative of Burundi for his generous words addressed to me personally and to the other officers of the Committee. I value highly the expression of his readiness to co-operate with the officers of the Committee. I have already had such co-operation from him and I am looking forward to its fruitful continuance.

Mr. VINCI (Italy): If I have asked to speak it is only to add a few remarks by my own delegation to the statement made yesterday by the representative of the Netherlands on behalf of the nine member States of the European Community. The Italian delegation fully associates itself with that statement and wishes to subscribe to the points made by the representative of the Netherlands, which reflect the common views of our nine European countries on the draft of a world treaty on the non-use of force in international relations, submitted to this Committee by the First Deputy Foreign Minister of the Soviet Union, Mr. Kuznetsov.

Speaking now on behalf of Italy, I simply wish to reiterate our firm support for the principle of the renunciation of force and threat of force in international relations, a principle to which Italy is unshakably committed. This principle is in fact enshrined in article 11 of the Constitution of the Italian Republic, which reads:

"Italy condemns war as an instrument of aggression against the liberties of other peoples and as a means for settling international disputes."

(Mr. Vinci, Italy)

The Italian people had of their own free will solemnly undertaken that commitment before joining the United Nations. I feel I could not explain better how genuine and deep-rooted is Italy's dedication to the Charter since my Government subscribed to it. It is indeed our strong belief that the best guarantee of peace and harmony among countries is the strict observance by all Member States of the main purposes and principles of the Charter. One of its fundamental pillars is Article 2 (4), which precludes the threat or use of force in relations between nations.

Since there are, unfortunately, still cases in which force has been resorted to in one or another area of the world, the Soviet initiative strikes a sympathetic chord in our hearts and can sound and be taken as a useful, timely and appropriate reminder of the duty strictly to abide by the Charter's obligations; a reminder that each Member State should abstain in all its international relations from the threat or use of force.

We, for our part, look at the Charter as we look at our own national Constitution. In our eyes the United Nations Charter is the constitutional law of the world society, as ours is the constitutional law of our national society. The basic provision contained in Article 2 (4) is not less binding for us than the one contained in article 11 of the Italian Constitution. We fully respect both provisions without having felt until now the need to introduce other measures in our legal system. That is why we believe that the best remedy against any neglect of such an international commitment can only be unconditional and unrestricted compliance with it.

To that end what is required, in our view, as the first step towards the elimination of the use of force from international relations is the removal of the root causes of international tensions and armed conflicts, as well as general disarmament under effective international control. It is therefore incumbent upon the international community to identify and eradicate the sources of such conflicts and to reverse the arms race, thus ensuring political certainty in addition to the certainty of law. As the Foreign Minister of Italy, the Honourable Arnaldo Forlani, stated on 1 October in the general debate:

(Mr. Vinci, Italy)

"Only the United Nations, because of its universality, can represent and harmonize the aspirations and interests of all States and all peoples; only the United Nations system, which was originally established on the foundation of an ethical and legal system of civilized international coexistence and has grown in size and authority on that foundation, can achieve a peace not only based on the hard reality of the balance of power but also guaranteed by the certainty of law and by justice." (A/31/PV.13, p. 73)

Mr. ALLAF (Syrian Arab Republic)(interpretation from Arabic):

Mr. Chairman, as I am speaking for the first time in this Committee, may I warmly congratulate you on your election to preside over the First Committee's work. Your skill, ability and diplomatic experience convince us that the discussions in this Committee will be crowned with success and culminate in positive results. May I also be allowed to congratulate the Vice-Chairmen and the Rapporteur on their election. The delegation of the Syrian Arab Republic wishes to assure you of its co-operation in achieving the results desired.

My delegation is very favourably impressed by the Soviet Union's proposal for the inclusion of a new item in the agenda entitled "Conclusion of a world treaty on the non-use of force in international relations". I am convinced that the collective reaction by the General Assembly bespeaks an awareness on the part of the international community of the need to put an end to the policies of aggression and force applied by a number of imperialist and racist Governments against the sovereignty and territorial integrity of peoples and their right to self-determination.

The Syrian Arab Republic welcomes any initiative aimed at prohibiting the use of force in international relations. That flows from all the experience that we have acquired in our own region. No people has suffered so deeply as the Arab nations. In the course of its history the Arab people has suffered the attacks and assaults of racism and imperialism from all corners of the world. It is difficult to enumerate all the kingdoms,

(Mr. Allaf, Syrian Arab Republic)

empires, countries, groups and bands that have unceasingly buffeted our region over the course of history to sow destruction and desecration, reduced our people to slavery and deprived us of our wealth and belongings. Suffice it to glance at history to see how colonialism and imperialism have manifested themselves in all shapes and forms in our region, including occupation, the domination of all our peoples, racial discrimination and colonization.

Before the ink in which the Charter was signed in San Francisco was dry, Palestine was sliced up and destroyed by Members of the United Nations in order to benefit Zionism. But did aggression cease with the implantation of Zionism in our region? The history of the last 30 years belies such an assertion. The history of the last 30 years is a blot on the conscience of mankind, since the Charter of the United Nations and its ideals have been flouted by the new colonial Powers and the invading racists.

An entire people has been evicted from its homeland, from the land of its forebears, and replaced by intruders who are not linked to each other by anything but discrimination and their feelings of superiority. The Zionist invaders, since their implantation in our region, have practised discrimination and aggression and have wrested territories from their true owners. Yet the international community has turned a blind eye to all those acts, except for condemning them in words and adopting resolution after resolution.

(Mr. Allaf, Syrian Arab Republic)

Thus the international community has been completely unable to force the aggressor to respect the principles of the Charter. What has occurred in our region has also occurred and continues to occur in different regions of the world despite the existence of the Charter and of the United Nations.

We could also say that small countries have been growing increasingly vulnerable to aggression since the United Nations was established. It is as though the Organization and its Charter had been devised to establish a balance of Power and spheres of influence to be enjoyed by the great Powers alone. How otherwise can we explain this constant series of regional and localized wars, this series of acts of aggression that has been taking place since the end of the Second World War? How otherwise can we explain the fact that peoples and territories that have been exposed to force and the threat of force since the founding of the United Nations have without exception been countries and peoples of the third world? It is sufficient merely to glance at what has happened in South East Asia, the Middle East and southern Africa.

If the great Powers do not assume their obligations and if they themselves do not practise the policy of non-aggression and the non-use of force against the small Powers, they cannot expect peace to prevail.

Instead, they support the colonialist and imperialist régimes of Tel Aviv and Pretoria. They leave the dirty work to those régimes to carry out, régimes that are as evil as their lords and masters and as cruel in their acts of aggression as their masters would have them be. To promote the non-use of force is in the interests of all the small countries and weak peoples as well as in the interests of all peace-loving nations in their relations with the great Powers. It is in the interests of the great Powers in their relations with one another to put an end to the use or threat of force, particularly in this period of the balance of terror.

But is this principle one that has escaped the attention of the international community, or is it one that is very well known and one that lies at the very root of international life? Is it not the very point of departure of the Charter of the United Nations? The very first statement in the Charter attests to the determination of the peoples of the world:

(Mr. Allaf, Syrian Arab Republic)

"to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind". That appears in the preamble of the Charter of the United Nations, and it reaffirms the determination of the United Nations to put an end to the use of force except in the common interest.

Article 2, paragraph 4 of the Charter states very clearly and in unambiguous terms that:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State"

Article 2, paragraph 3 of the Charter states:

"All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."

Almost all the previous speakers referred to these principles which are contained in the Charter. And in addition to the Charter itself, they mentioned documents, resolutions and declarations of an international or regional nature which have all reaffirmed the prohibition of the use of force in the settlement of disputes which should be solved peacefully. At this late stage in our debate it would be redundant for me to repeat the contents of those declarations, documents and resolutions. Suffice it to mention only a few: the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, the resolution non-use of force in international relations adopted at the twenty-seventh session of the General Assembly, the resolution on the definition of aggression adopted at the twenty-ninth session in 1974, and the Final Act of the Conference on European Security and Co-operation signed in Helsinki in 1975. In addition there are the paragraphs on the strengthening of security, the reduction of international tensions and the peaceful settlement of international disputes contained in political declarations of the Fifth Summit Conference of the Heads of State or Government of the Non-Aligned Nations and of the Algiers Conference of 1973.

(Mr. Allaf, Syrian Arab Republic)

Why does the international community now need a new treaty to reaffirm a principle which is contained in the Charter of the United Nations and in all those other documents? Would such a treaty in fact limit the binding nature of the principles of the Charter and of the other international documents that call for the observance of peaceful relations among nations and for the prohibition of the use or the threat of the use of force? The answer to that question is simple and categorical. The international community needs this new impetus, it needs another dose of the same medicine, for the use of force to be stopped. The international community must be reminded that it must put an end to the use of force, because the principles contained in the Charter and in the many declarations and documents that followed it have thus far not led to a prohibition or to respect for a prohibition of the use of force in international relations. If that result had been obtained, thanks to those documents, obviously today we would not need to conclude a new treaty to prohibit the use of force in international relations. If that principle had been respected, no nation today would fear the use of force by others.

We find it difficult to understand those who are afraid that this treaty would limit the binding nature of the provisions of the Charter itself and of the other international declarations and documents that have been adopted on this subject. How can a world treaty based essentially on the obligation of States Members of the United Nations to refrain from the use of force possibly weaken the Charter of the United Nations? In the three-page text submitted by the Soviet Union, the Charter is referred to three or four times. The objectives of the United Nations and the declarations adopted by the United Nations are stressed, as is the fact that the Charter and those declarations are based upon similar principles.

(Mr. Allaf, Syrian Arab Republic)

The United Nations, international conferences and regional meetings have all led to agreements, conventions, documents and many statements which go into detail on what is basically contained in the Charter. But these documents in all their comprehensive detail have in no way been held to weaken the Charter and its principles. The following are examples: the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, the Definition of Aggression, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Charter of Economic Rights and Duties of States, the International Covenant on Civil and Political Rights, the Declaration on the Strengthening of International Security and many other declarations of a legal character.

Those countries which fear a weakening of the Charter are those which less than a year ago signed the Final Act of the Helsinki Conference on Security and Co-operation in Europe, whose principles reflect the idea contained in the draft world treaty before us. If the preparation of the Final Act at Helsinki, which was signed by 35 States, was not deemed likely to weaken the Charter, how could the proposed draft treaty, to be signed by 145 countries, have that effect?

My delegation's support of the idea of concluding a world treaty on the non-use of force in international relations is predicated, as I have already said, on the fact that our people and our region, as well as our brothers who are suffering in southern Africa in a situation similar to our own, continue to be subjected to the most hideous forms of racist aggression and colonization, aggression which is attempting to turn back the clock to the ancient times which were characterized by racial and religious superiority.

My delegation does not desire the preparation of another document which would remain a dead letter and which would come to be added to the pious hopes that have never been realized. We interpret this international initiative as a reawakening of the awareness of the international community of the need to strengthen the principles of the Charter on the prohibition of the use of force and not as a call to have recourse to force.

(Mr. Allaf, Syrian Arab Republic)

We take this initiative as being an additional commitment to respect those principles and not as a new obligation which is aimed at superseding that commitment.

Therefore, the primary goal of this treaty must be to achieve and to ensure the implementation of this principle. Principles are not lacking; what is lacking is their implementation. Whatever the importance of a treaty or the number of its signatories, it could not replace the United Nations Charter, which, in spite of its flaws, represents mankind's hope and desire for a lasting peace. This is the hope which is deeply rooted in those who have suffered the scourge of war. This Charter in which so many hopes reside, because it has not been implemented cannot ensure peace and security for smaller peoples. That is why it is necessary to arrive within the framework of the proposed treaty at some means of implementation guaranteeing the commitment of States parties to that treaty, especially the commitment of the great Powers and the members of the Security Council, to apply the provisions of the Charter and of the treaty relating to the non-use of force against the sovereignty and the right of peoples to self-determination and independence. We believe that these countries, when they are permanent or temporary members of the Security Council, must act in accordance with their true obligations and in conformity with the Charter and the provisions of the draft treaty on the non-use of force in international relations. The countries members of the Security Council must not prevent its application, because of their particular privileges with regard to voting.

Another important aspect which must be reflected clearly in the treaty so as to avoid different interpretations consists in guaranteeing that aggressors and racists will not be in a position to take advantage of the contents of the treaty in order to limit the right of peoples to defend themselves, to liberate their territories, to take action against any invasion and to exercising their right to self-determination and sovereignty by any means at their disposal.

My delegation listened with much interest and approval to certain parts of the statement the representative of the Soviet Union, Mr. Kuznetsov when he spoke as follows on 25 October 1976:

(Mr. Allaf, Syrian Arab Republic)

(spoke in English)

"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." (A/C.1/31/PV.11, p. 16)

(continued in Arabic)

And later in his statement he said:

(spoke in English)

"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 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. The purpose is to prevent aggression. If that is done there will be no further need to use force to repel it. Our draft treaty is based strictly on the definition of aggression formulated by the United Nations."

"Furthermore, the conclusion of a world treaty should not in any way prejudice the legitimacy of the struggle of colonial peoples for their freedom and independence. The draft treaty in no way restricts the right of peoples still under colonial or racial domination to fight for their liberation by all the means at their disposal." (ibid., pp. 21 and 22)

(continued in Arabic)

Although we appreciate this concept and we support the idea put forward by the USSR delegation and a large number of delegations which participated in the discussion, we believe that this concept must be clearly and unequivocally spelled out in the text of the draft treaty instead of its basing itself on the good intentions of the parties when it is a question of interpreting and evaluating its contents, or on the verbatim records of the meetings during which the draft treaty is discussed.

(Mr. Allaf, Syrian Arab
Republic)

We believe that article III of the draft treaty in document A/31/243 does provide all the necessary guarantees -- particularly in the light of paragraph 3 of article I -- that peoples will be able to exercise their right to self-determination and to liberate their territory.

I do not wish to make any other comments on the substance of the draft treaty, since we regard this subject as a very important one requiring careful attention and study on the part of all Member States.

There are many comments, both substantive and procedural, that could be made -- and here I would state that my delegation does not understand why the draft treaty has been circulated in only five languages and not in Arabic, which is an official working language of the United Nations. My delegation, however, would prefer to use the possibility left open to give further study to the draft treaty in document A/31/243. In due course my Government will make known its views.

In addition to emphasizing some recognized principles, the draft resolution submitted by the Soviet delegation has some procedural aspects. It invites Member States to examine the draft treaty and to discuss it again at a future session of the General Assembly. My delegation agrees with that procedural provision.

We shall vote in favour of the draft resolution, but that vote is not to be regarded as prejudicing the views that we shall submit in due course on the substance of the matter.

The CHAIRMAN: I thank the representative of the Syrian Arab Republic for the kind words he addressed to me and to the other officers of the Committee.

We have now heard the last speaker in the general debate on the item before us. Before we proceed to the voting stage, I call on the Secretary of the Committee.

Mr. BANERJEE (Secretary of the Committee): I have been authorized to state that the adoption of the draft resolution now before the Committee would entail no additional financial commitment.

The CHAIRMAN: I shall now call on those representatives who wish to explain their vote before the voting.

Mr. HAMZA (Democratic Yemen) (interpretation from Arabic): Since this is the first time I have spoken in the First Committee, Sir, I should like to congratulate you on your unanimous election as Chairman. Your competence guarantees the success of our work. We are very happy that you belong to a country with which we have such friendly relations. Through you, I should like also to congratulate the two Vice-Chairmen and the Rapporteur. We wish all of you, as well as the secretariat of the Committee, all success in the performance of your tasks.

My delegation was unable to participate in the general debate on agenda item 124. That is why I have asked to speak now in explanation of my country's vote on the draft resolution in document A/C.1/31/L.3, submitted by the Soviet delegation, on the conclusion of a world treaty on the non-use of force in international relations. Our position on this matter can be summarized in the following way.

First, the initiative taken by the Soviet Union in requesting the inclusion of this new item in the agenda of this session of the General Assembly was very timely. If a treaty is concluded on this subject, that will open up new possibilities for international peace and security and a reduction tension in the world; it will also strengthen the policy of détente and peaceful coexistence among peoples. If the positions of this draft treaty came into force, the world community would be spared wars and intervention in the internal affairs of small countries.

My country does not agree with those who have stated that the conclusion of such a treaty might weaken the United Nations Charter. Such an assertion is unfounded. Indeed, it casts doubt on the very principle of the non-use of force.

(Mr. Hamza, Democratic Yemen)

Secondly, my country has repeatedly stated that the conclusion of any treaty or any bilateral or multilateral convention can in no way affect the right of peoples to defend themselves against and resist any act of expansion, aggression, domination, racism or colonialism, in any form. The inalienable right of peoples to self-determination must be recognized. Peoples must be able to use all available means to put an end to intervention in their internal affairs and to ensure their total sovereignty over their natural resources. Their contacts with other States must be based on mutual interest in order that a contribution may be made to the strengthening of peace and security, for the benefit of mankind.

Thirdly, the conclusion of this treaty will make it possible for all countries to establish rules under which disarmament can be brought about, the arms race can be ended and the expenditure by small States for weapons for their security can be diverted to their development efforts. The conclusion of this treaty will serve to strengthen existing international declarations and agreements calling upon States to contribute to the strengthening of international peace and security, declarations and agreements arrived at both within the United Nations and outside it.

Fourthly, we express our great appreciation to the Soviet delegation for this initiative, which we support. We shall continue to contribute to the efforts to achieve the adoption of this treaty. That position is in conformity with our principles and our friendly and co-operative relations with the Soviet Union and all other socialist States, without exception.

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

I shall now call upon those representatives who wish to explain their vote before the voting. I would ask those who wish to speak to follow the rules of procedure strictly and limit themselves to explaining their votes. I do not wish to impose a time-limit under rule 128 of the rules of procedure at this stage, but I hope representatives will co-operate in this respect.

Mr. BUENO (Brazil): My delegation has had the opportunity to follow attentively the statements already made in the general debate in connexion with the discussion of agenda item 124, concerning the non-use of force.

We believe it of fundamental importance for the strengthening of international security and for peace in general that efforts continue to be directed towards the common goals of this Organization as set forth in its Charter. Yet, before casting its vote, my delegation cannot fail to make some preliminary comments on a number of questions that in our opinion deserve additional meditation.

The principles mentioned in the draft treaty submitted by the delegation of the Soviet Union are in fact the foundation on which this Organization is built, and in the Charter reflect a firm and solemn engagement by its signatories. While reaffirming our unfaltering belief in and support for such principles we deem it essential to devote more thought to the practical results and implications of a draft treaty aiming at the abolition of the use or threat of force in international relations.

A first reading of the draft, for instance, shows in article I that

"The High Contracting Parties shall strictly abide by their undertaking not to use in their mutual relations ... in general, force or the threat 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." (A/31/243, p. 2)

(Mr. Bueno, Brazil)

If it were only a question of removing the use of force or the threat of force in international relations it should be admitted that the draft treaty could consist of article I only. However, we are confronted with a question that involves the gist of international life -- that is, the coexistence of more than one political entity, each behaving in conformity with its national interests and striving to attain a number of goals through the manipulation of national power.

Post-war history has demonstrated how difficult it is to accommodate interests when the parties involved in a conflict avoid or refuse to have recourse to the mechanism for the peaceful settlement of disputes as referred to in Chapter VI of the Charter, from which the essence of article II of the Soviet draft treaty is derived. Until the causes of international unrest are removed peace and security will for all nations, particularly the small ones, amount to a precarious situation the future of which lies in the hands of those who hold and continue to accumulate stocks of unprecedented means of destruction. Moreover, article IV of the draft treaty invites

"The High Contracting Parties ... /to/ make all possible efforts to implement effective measures for lessening military confrontation and for disarmament which would constitute steps towards the achievement of the ultimate goal -- general and complete disarmament under strict and effective international control." (*ibid.*)

Let me only remind representatives that the three main goals of disarmament -- namely, cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament -- have remained the dead letters of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. Until progress is made in this direction we shall find it difficult to reconcile the noble purposes of the present initiative with the very essence of force as represented by increasingly sophisticated weapons and ever-growing stockpiles.

(Mr. Bueno, Brazil)

The use of force clearly falls within the prohibition contained in Article 2 (4) of the Charter. The legal system established by the Charter foresees the possibility of resorting to the use of force in self-defence or in collective action. With the qualified exception of individual or collective self-defence, it confers upon the Organization the monopoly of the legitimate use of force in international relations.

In such circumstances and when discussing the principle of the non-use of force we should ask ourselves whether it requires additional law making or whether the answer to our queries may be found in the effective containment and final control of the underlying forces that disrupt peaceful relations among States.

In its operative paragraph 1, the draft resolution in document A/C.1/31/L.3 invites Member States to give further examination to the draft treaty as well as to the other proposals and statements made during the consideration of this item. Following a decision taken by the General Committee, we believe that a thorough debate in the Sixth Committee would have provided additional elements for the legal assessment that may prove necessary to help Member States to prepare their views and suggestions for transmittal to the Secretary-General as requested in operative paragraph 2 of the draft resolution.

Without prejudice to these preliminary comments on the substance of the item under consideration, my delegation is prepared to vote in favour of the procedural suggestion as put forward in the draft resolution on which we are now about to vote.

Mr. CHOU (China) (interpretation from Chinese): At our meeting the day before yesterday the Chinese representative expounded our position with regard to the new fraud of sham disarmament and sham détente concocted by the Soviet Union. Basing itself on this position of principle, the Chinese delegation will as a matter of course vote against the draft resolution proposed by the Soviet delegation.

Mr. PETREE (United States of America): The United States will abstain from voting on the draft resolution before us. We are concerned that the proposal by the Soviet Union for a treaty on the non-use of force could undermine the United Nations Charter, by needlessly duplicating it, by selecting certain provisions to endorse and omitting others or by adding new and disputed provisions. These are serious matters, in our view.

It is curious that one of the strongest opponents of Charter review in general seems to have developed doubts as to the relevance and sufficiency of the Charter's basic provisions against the use of force and in favour of the peaceful settlement of disputes.

Even with these problems, the United States could have voted in favour of a study of the question of the need for or desirability of a new treaty, but what we cannot accept is the apparent attempt to prejudge the issue. The draft resolution determines, without any consultation or discussion of the very serious issues involved, that a treaty is needed and that all that remains to be done is to negotiate the content of that new treaty.

We described our position to the Soviet delegation and stated our willingness to join in an objective study of whether there is a need for such a treaty. We regret that there was no indication of flexibility on its part in this matter.

Mr. ARNELLO (Chile) (interpretation from Spanish): My delegation has already made known its views on the draft treaty proposed by the Soviet Union; we have given our comments and views on the nature and the legal implications of that draft treaty, as well as on the very delicate and most important matter of the fulfilment in good faith of the obligations under the Charter.

Chile contends that the Charter of the United Nations clearly defines the principles and obligations contracted by Member States, and that there is indeed no ambiguity about the obligation of Member States to refrain from the use of force in their relations with other States.

(Mr. Arnello, Chile)

The draft resolution on which the First Committee is about to vote is, we believe, contradictory and not compatible with other General Assembly resolutions; nor will it facilitate a comprehensive legal study of the many doubts that have been expressed regarding the advantages or disadvantages of a special treaty on this subject. We believe that this draft resolution is not in keeping with the intention of the General Committee of the General Assembly when it decided that after debate in the First Committee this subject should be referred to the Sixth Committee -- a decision confirmed by the General Assembly a few days ago -- for a legal analysis of this matter, so that the Sixth Committee could study the implications of the conclusion of a treaty of this nature.

As one representative pointed out this morning, the draft resolution in fact virtually prejudices the need to conclude such a special treaty. If the proposed treaty does not call for a modification of the purposes and principles set forth in the Charter, then we repeat our view that a treaty would be redundant. If, on the contrary, the draft treaty does imply a possible modification of the terms of the United Nations Charter, then we believe that we should follow the system set out in the Charter itself for review of that document; or if a prior study is required, then this should be carried out by the Special Committee of the General Assembly which is studying the possible review of the Charter.

Therefore, while reiterating Chile's adherence to principles of the Charter and the tenets of existing international law and our absolute and total belief in peace and the non-use of force in international relations, my delegation nevertheless cannot support the draft resolution submitted.

Mr. JAMAL (Qatar): As we prepare to vote on the draft resolution entitled "Conclusion of a world treaty on the non-use of force in international relations" (A/C.1/31/L.3), my delegation deems it necessary to elaborate on a number of considerations which influence our decision.

One of the most important considerations is the widespread use of force in international relations nowadays. There are many hotbeds of tension and war in the world. The arms race is taking on horrifying proportions and is endangering the stability of many areas of our globe. The stockpiling of nuclear weapons is

(Mr. Jamal, Qatar)

on the increase and is reaching into areas that are traditionally unstable and explosive.

In southern Africa and Palestine we see no movement away from racism, continued aggression and occupation of the territories of other States. We realize that there are many existing legal instruments regulating the peaceful coexistence of States and forbidding the use of force in international relations, among them the United Nations Charter. However, my delegation feels that we ought to give a chance to any new initiative which stands a reasonable chance of establishing peace in the world.

The delegation of the State of Qatar will vote in favour of the draft resolution under consideration in order to give our Government until the next General Assembly session to present its views on the conclusion of a world treaty on the non-use of force in international relations and on matters closely related to it, such as the adoption of disarmament measures, the total abolition of nuclear weapons, the eradication of the racist régimes, the attainment of self-determination by all peoples, the withdrawal of all occupying Powers from territories they occupy by force, the establishment of a new international economic order and the question of the sovereignty of States over their natural resources.

Mr. GAUCI (Malta): I feel that if we had had more time we might have been able to consolidate the common ground that exists on this important question. I think it regrettable that on a question of such fundamental importance the Committee should find itself divided on the terms of what is essentially a procedural draft resolution, and that no attempt has been made to take into account the observations made on the wording of the proposed text. It would seem difficult for public opinion outside to understand our inability to reconcile preliminary views on something that obviously requires further detailed study.

For this reason the delegation of Malta will be forced to abstain from voting on the draft resolution.

Mr. KANE (Mauritania) (interpretation from French): I think that the representative of Malta has already at least partly expressed the feelings of my own delegation here about the draft resolution before us. Furthermore, we feel that this is a most judicious point.

We have a second reservation that prevents us from voting either for or against the draft resolution before us. In operative paragraph 2 of the draft resolution, Member States are requested to communicate to the Secretary-General not later than 1 June 1977 their views and suggestions on the matter. The problem before us is of vital importance, not only for the developing countries but also for the whole international community. In Mauritania, our normal procedure for scrutinizing international treaties is very complex, if only because of the importance that we attach to international treaties because the Mauritanian Government, before committing itself to anything, wants to know the implications of treaties since we abide strictly by the letter of all treaties that we sign or subscribe to.

So, even there are technical bodies whose task it is to study these draft treaties, the official position of the Mauritanian Government cannot be determined until the elected bodies have dealt with the studies produced by the technical bodies. The elected body concerned with the application of international treaties and conventions will certainly not be able to meet before December to give its views on the whole problem before us.

For these reasons, therefore, in order not to commit the Mauritanian Government to any position on such an important and delicate subject, particularly since the draft resolution states that the General Assembly may perhaps examine the question next year, the Mauritanian delegation believes that it must reserve its position, at least until we know more about the subject.

The CHAIRMAN: We shall now proceed to vote on the draft resolution in document A/C.1/31/L.3 which is now sponsored by 17 States. A roll-call vote has been requested.

A vote was taken by roll call.

The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Sudan, Surinam, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania

Against: Albania, China

Abstaining: United States of America, Australia, Austria, Belgium, Benin, Canada, Chile, Denmark, Fiji, France, Germany (Federal Republic of), Grenada, Iceland, Ireland, Israel, Italy, Japan, Jordan, Luxembourg, Malawi, Malta, Mauritania, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Paraguay, Portugal, Sierra Leone, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon

The draft resolution was adopted by 94 votes to 2, with 35 abstentions.

The CHAIRMAN: I shall now call on those delegations that wish to explain their vote after the vote.

Mr. KAMAL (Bahrain) (interpretation from Arabic): My delegation voted in favour of the draft resolution in document A/C.1/31/L.3 for the following reasons: because it will not prevent the people fighting against colonization or the people whose territory has been occupied from resorting to force in order to liberate themselves and do away with the sequels of foreign occupation of their lands, and because it guarantees the right of peoples to repel aggression and to protect themselves against such aggression and the right to self-determination of peoples without any military interference from outside. This draft treaty is not intended to replace the purposes and principles of the Charter on these matters but the treaty should complement the contents of the Charter and define additional obligations incumbent on States to safeguard the security and independence of small nations against any outside aggression.

Mr. HARRY (Australia): The Australian delegation studied closely the draft resolution that has just been adopted by the First Committee. We consider the principle requiring States to refrain in their international relations from the threat or use of force quite unexceptionable. As the resolution correctly recalls, this is a principle in accordance with which every Member State of the United Nations is bound to act, as one of the obligations of the United Nations Charter which it has accepted. However, the question to which my delegation addressed itself was whether it would be productive for Member States to devote time to considering whether or not a world treaty embracing these principles would result in their further application in the execution of the relations between States when we have already accepted them in the United Nations Charter. The Charter is a comprehensive instrument requiring Member States to accept the application of these principles in their dealings with other States.

My delegation does not take any exception to proposals seeking the views of Governments on more effective adherence by the international community to the principle of the non-use of force or disavowal of the threat of the use of force. Our attitude was, however, somewhat influenced by the problem of procedure.

(Mr. Harry, Australia)

We should have preferred that this item be considered at the outset by the Sixth Committee, so that the legal issues would be examined. Now, if a majority of Member States, when responding to the Secretary-General's invitation to submit views on this question, indicate that it should be studied further, it is my delegation's view that this will be a subject which should be examined in the Sixth Committee, since the question will still be whether it is appropriate to draft a new instrument dealing with international law.

In balancing out these various considerations, my delegation decided that the most appropriate course was to abstain on the draft resolution.

Mr. TURKMEN (Turkey): Like all the Members of the United Nations, Turkey is committed to upholding the principle of the non-use of force in international relations. This principle is embodied not only in the Charter of the United Nations but also in many other multilateral international documents including the Final Act of the Conference on Security and Co-operation in Europe, of which Turkey is a signatory. There is no doubt that we welcome any step which will render more effective the application of this principle. We are more than willing to consider that the Soviet initiative is inspired by a sincere desire to achieve such an objective.

(Mr. Turkmen, Turkey)

However, we cannot at this stage, without a detailed study, endorse the view that the conclusion of a world treaty, as suggested by the Soviet Union, will strengthen the Charter's basic provisions on the maintenance of international peace and security. It is for that reason that we had difficulties with the wording of the draft resolution and that we were compelled to abstain during the vote.

Mr. HAMILTON (Sweder): Sweden abstained on the draft resolution just voted upon. I wish to explain the reasons for that position.

The principle of the non-use of force constitutes the basis of the United Nations Charter. My country strictly adheres to that principle in its foreign relations and also attaches the greatest importance to having it effectively implemented everywhere in the world. Our activities in the disarmament field are one example of our concern for strengthening that principle and translating it into concrete, positive measures.

A treaty on the non-use of force would, however, raise certain serious problems. The authority of the United Nations Charter could be weakened or be put in doubt, if the basic clauses were subject to new efforts of interpretation. Let me just give a few examples of the difficulties I have in mind.

The United Nations Charter legitimizes the use of force in two instances: self-defence and sanctions by the Security Council. My Government could not subscribe to articles in a further treaty that would go beyond those exceptions to the prohibition of the use of force; otherwise we might in fact undermine the authority of the Charter. It is also important to note that the Charter provisions on the non-use of force are linked to the whole system of enforcement under Chapter VII which can hardly be duplicated in a treaty. Those provisions in the Charter could severely be weakened.

We would also be hesitant to accept the introduction in a draft treaty of references to various multilateral, regional or bilateral treaties and declarations which have no direct connexion with the Charter. Such references

(Mr. Hamilton, Sweden)

would create uncertainty as to the exact relationship between the fundamental and universally accepted United Nations Charter and other, possibly new rules that might have been agreed upon in other contexts. Such uncertainties could, in our view, make a clear and unambiguous interpretation of the Charter more difficult and, consequently, not strengthen the Charter but weaken it.

Give those and other elements in regard to a suggested draft treaty, the Swedish Government has not been persuaded of the usefulness of preparing and concluding such a treaty. However, as the decision to proceed with deliberations on this matter has now been taken, the Swedish Government will obviously give further consideration to this subject.

Mr. EILAN (Israel): This Committee has, in the course of the last few meetings, been considering two separate aspects of the item before us: first, the substantive issue of whether or not there is need to conclude a world treaty on the non-use of force in international relations in the light of already existing provisions of the Charter and various resolutions on this same matter in past sessions of the General Assembly; and, secondly, the purely procedural question of the advisability of changing the decision of the General Committee which stipulated that the proposed treaty be referred to the Sixth Committee for its consideration at an appropriate stage.

On the question of substance, suffice it to say that, while my delegation stands behind the principle of the non-use of force, as laid down in the United Nations Charter, my delegation has noted that certain representatives have attempted to give novel interpretations of, and definitions to, the principle of the inadmissibility of the use of force which are totally incompatible with the relevant provisions of the Charter. My delegation therefore wishes to state that it dissociates itself from any such interpretations, whatever their source or whatever the venue in which they were given.

As far as the procedural aspect of the item is concerned, the draft resolution proposes a method of consideration which my delegation finds difficult to support. We had no choice, therefore, but to abstain on the draft resolution.

(Mr. Eilan, Israel)

In conclusion, I should just like to say that the allegations made this morning by the representative of Syria were out of place and were in themselves a breach of the atmosphere of goodwill that has hitherto prevailed in this Committee. Support for the principle of the non-use of force in international relations comes strangely from the lips of the representative of a country which is using force at this very moment in a certain country in the Middle East. It is speeches such as that made by the representative of Syria that generate much of the use of force in international relations. Israel opposes the use of force in international relations and the use of verbal violence in international discussions.

Miss DENNIS (New Zealand): The New Zealand delegation abstained in the voting on the draft resolution submitted under this item. After listening very carefully to the debate which has just taken place, New Zealand is not convinced that any consensus has emerged in this Committee which would support the underlying assumption of the draft resolution, namely, that the objective of strengthening the principle of the non-use of force in international relations can best be achieved by means of a new world treaty.

The debate has raised a number of important questions which have not, in our view, been satisfactorily clarified. The fundamental principles of international law relating to this question are laid down in the United Nations Charter and it is clearly provided there, in Article 103, that the Charter shall be the final word on this subject. It is not our position that the Charter is in all respects immutable, and New Zealand is among the countries which have been actively engaged in the review of the Charter as members of the Special Committee created for that purpose. At the same time we have considerable doubt -- a doubt shared by a good number of other delegations -- as to whether the authority of the Charter would in fact be strengthened by the adoption of a parallel instrument along the lines of the proposed treaty; or whether it might not, on the contrary, be blurred and weakened.

(Miss Dennis, New Zealand)

New Zealand will, however, give serious consideration to the Soviet proposal before the next session of the General Assembly. If at that time a clear consensus were to emerge that a new international instrument was needed we would strongly urge that, as the next step, the matter should be thoroughly studied by the competent legal bodies of the United Nations.

Mr. GAMMOH (Jordan)(interpretation from Arabic): After having studied most attentively the question before us my delegation abstained in the vote on the draft resolution; not because we had any difficulty in agreeing in principle with the conclusion of a treaty on the non-use of force in international relations, quite the contrary. As a small country we have suffered from the horrors of war and we know the meaning of the use of force in international relations. We hope that the day will come when the outmoded practice of the settlement of disputes by force will disappear for ever.

Jordan is a country belonging to a region where the territories of some States have been seized and occupied by force. We consider that the study and conclusion of this treaty should not constitute an obstacle to prevent peoples and countries still suffering from colonialism and occupation from exercising their right to national independence and sovereignty over their territory or from recovering their rights, in accordance with the provisions of the United Nations Charter.

(Mr. Gammoh, Jordan)

That is why the delegation of my country believes that we must put an end to the injustice which is rampant in certain parts of the world. We feel also that we must aim at the conclusion of a treaty because we consider that the use of force in international relations no longer has any place in our society and is incompatible with the progress achieved by mankind in various fields, although not in the field of international relations. We in Jordan believe that nothing can replace peace, which should prevail throughout the world. Force should never be a means of settling international disputes.

Miss ISSEMBE (Gabon) (interpretation from French): My delegation voted in favour of the draft resolution and we should like to explain that that vote in no way prejudices the support that my country may give to any movement against colonial domination.

Mr. ALLAF (Syrian Arab Republic): Every Zionist is a master of the art of usurpation. A few moments ago the representative of the Zionist entity usurped the right to explain his vote in order to indulge in the right of reply. Whatever my country is doing and will do is in order to repulse Israeli aggression. The success of the efforts of my country and other sister and brother countries in the region is proof of the fact that what we are doing is for the benefit of our struggle against Zionist aggression.

Turning now to the explanation of our vote, I said earlier in my statement in the general debate that we consider the draft resolution just adopted by this Committee to be of a procedural nature in nearly -- and I stress the word "nearly" -- all of its preambular and operative paragraphs. I say "nearly" because we note that the third paragraph of the preamble, referring to the need for universal and effective application of the principle of non-use of force, touches upon the substance of the subject. That is why, during the consultations, my delegation proposed to the Soviet delegation amending the third paragraph of the preamble by inserting after the words "in international relations":

"without any prejudice to the right of peoples and countries to repulse aggression, liberate their territories or achieve their inalienable right to self-determination".

(Mr. Allaf, Syrian Arab Republic)

It was not possible, for a reason that we understood very well, for the Soviet delegation to accept that amendment but bearing in mind the interpretation given by the Soviet representative in his statement and the statement that I made, we voted in favour of the draft resolution. If that paragraph of the preamble had been put to a separate vote, we would have abstained from voting on it. However, we voted for the draft resolution as a whole on the understanding that I have just explained.

Mr. KEITA (Niger) (interpretation from French): The draft resolution in document A/C.1/31/L.3 just voted upon was the subject of the attention of my delegation. That draft resolution and the draft treaty which it recommends constitute a reflection of the fundamental principles of the United Nations Charter, to which my country is attached. It could not be otherwise, since small nations like my own, whose primary concern is that of development, need peace and security more than any others. We cannot fail to welcome, therefore, the Soviet initiative, which constitutes one more attempt to reassure mankind that it will one day enjoy peace and security.

However, at the present stage of our consideration of the draft resolution and the draft treaty my delegation had to abstain because it is necessary for the legal authorities of my country to examine in further detail the texts which we shall forward to them. That is why at the present stage my delegation was compelled to abstain from voting on the draft resolution.

Mr. MACAULAY (Nigeria): Mr. Chairman, my Ambassador has already, on behalf of our delegation, congratulated you and the other officers of the Committee on election, and I therefore do not intend to take time to do so again.

My delegation has listened very carefully and with keen interest to the debate. Our decision not to participate in the debate at this stage was conditioned by our total commitment to studying both the draft treaty and the draft resolution with a view to communicating to the Secretary-General within the stipulated time our views and suggestions.

(Mr. Macaulay, Nigeria)

However, would certain Powers which now feel that this draft treaty might restrict the efficacy of Article 2 of the Charter either wish to renounce the Helsinki Agreement or else not to be bound by it? Whatever the answers may be, we are now convinced of our earlier suspicion, which my Ambassador stated in this room only a week ago, that the framers of that instrument did not have the interests of the third world in mind. Perhaps it is not by accident that that instrument was not registered under Article 102 of the Charter, thus putting its provisions outside the pale of many countries represented in this room that are not signatories to it. We feel that those countries are prejudging the issue raised in the draft.

(Mr. Macaulay, Nigeria)

We also feel that this contingency might have been in the minds of those who prepared the draft treaty when they referred to Article 103 -- which the representative of New Zealand also mentioned. We think such a reference was included only in case there should be a contradiction with any accepted concept or belief in any other part of the Charter.

We feel that the matters to be examined and discussed in depth in the months to come are not in conflict with any of the above-mentioned parts of the Charter in the sense that what the draft treaty intends is the elaboration not merely of principles -- because these are all well known -- but also of measures necessary to get the world community to respect the provisions laid down in Article 2 of the Charter.

We feel that unless there is a new instrument which will galvanize the world community into action there will be a continuation of the flouting of these provisions with impunity and that these provisions will never be respected.

Finally, we had submitted a suggestion to the representative of the USSR of ways and means in which the draft resolution might be improved. Unfortunately, it did not prove possible to have it accepted. Thus, notwithstanding that we feel that, after 30 years, we cannot expect persistent offenders to accord more respect to the provisions of Article 2 of the Charter, and in spite of the flaw which, we think, might have been corrected in the draft resolution, we felt that, rather than abstaining we should vote for the draft resolution in order to give us more time to consider the matter in depth in the months to come.

The CHAIRMAN: We have thus concluded the voting procedure.

Before adjourning the meeting, I should like now to call on two delegations, which expressed the desire to make short statements.

Mr. KUZNETSOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation, representing the country which took the initiative in proposing the inclusion of a world treaty on the non-use of force in international relations, would like to answer certain questions which have been asked here and also make some comments in connexion with the general discussion.

First of all, permit me to express my sincere gratitude to all delegations which have taken a favourable view of the proposal of the Soviet Union and have voted in favour of the draft resolution. We should like to express our particular gratitude to delegations which have become sponsors of the draft resolution on this question. We note with satisfaction that the overwhelming majority of delegations which have spoken on the matter above all expressed approval of the very idea of concluding a world treaty on the non-use of force in international relations. In this way, the initiative of the Soviet Union, which made the proposal and submitted the specific draft treaty, has already begun to yield positive results. We cannot fail to agree, for example, with the statement of the representative of Iran that the ideas developed in this draft treaty reflect the general desire of the international community to achieve a peace which would be free of conflicts.

Most of the questions raised in this discussion and the points which have been made are of a businesslike character. In our understanding, they are dictated by a desire to make a useful contribution to the preparation of the treaty.

A number of delegations in their statements referred to the machinery for the implementation of the prohibition of the use of force in international relations and also the scope of the prohibition of the use of force in a world treaty. The need for creating appropriate conditions for ensuring the effectiveness of a world treaty and the for preparing appropriate machinery and measures for implementing the provisions of such a treaty was stressed. Concern was expressed that the non-use of force in international relations should become a genuinely iron-clad law of international life. The relevance of these matters today is subject to no doubt. That is why, in proposing the concluding of a world treaty in the General Assembly, the Minister for Foreign Affairs of the Soviet Union, Mr. Gromyko, in his letter of 28 September addressed to

(Mr. Kuznetsov, USSR)

the Secretary-General of the United Nations, stressed that

"The General Assembly could give all-round consideration to the question of drawing up and concluding a world treaty on the non-use of force in international relations and outline specific steps for the implementation of this proposal." (A/31/243, p. 2)

As we have pointed out, the conclusion of a world treaty in no way affects the right of States to individual or collective self-defence, which is laid down in Article 51 of the United Nations Charter. In fact, none of the representatives speaking on the subject challenged this exception or, as I would call it, selection made in the Charter.

The conclusion of a world treaty on the non-use of force based on the principles of the United Nations Charter cannot be prejudicial to the legitimacy of the struggle of peoples against colonial slavery for freedom and independence. The numerous Charter-based decisions of the United Nations which affirm the legitimacy of this struggle by any available means should remain in force: nor should anything be done that is detrimental to the right of peoples and States to struggle for the elimination of the consequences of aggression and the restoration of territory seized by the aggressor, if the aggressor opposes a just political settlement of the problem.

The draft treaty submitted by the Soviet Union develops and makes specific the content of the general principle of the non-use of force under the United Nations Charter. It neither narrows nor broadens that principle, and article III of the draft treaty, which particularly provides that

"Nothing in this Treaty shall affect the rights and obligations of States under the United Nations Charter...", was included for precisely this purpose. We therefore find unfounded assertions to the effect that the draft treaty limits "the principle of the non-use of force" and that its approach to it is "selective". Such limitation or selectivity is enshrined in the very Charter of the United Nations.

The overwhelming majority of delegations taking part in the discussion displayed a great deal of interest in and supported this new peace initiative of the Soviet Union. It is regrettable, however, that certain Western delegations

(Mr. Kuznetsov, USSR)

were not ready at the present time to support the idea of concluding a world treaty on the non-use of force in international relations. Particularly active in opposing the consideration of the draft treaty was the delegation of the United States.

(Mr. Kuznetsov, USSR)

Having familiarized ourselves with the statements of those representatives, we cannot avoid the conclusion that attempts were made, on trumped-up pretexts, to divert attention from the substance of a major topical political problem -- that of war and peace. These attempts were designed to cast doubt on the very idea of concluding a world treaty.

Furthermore, artificial arguments were put forward to the effect that the treaty on the non-use of force in international relations would undermine the United Nations Charter. The allegation was made that there was no need to conclude a treaty since everything necessary is already contained in the United Nations Charter. The fallacy of that argument is obvious. The idea, in substance and in essence, is to prevent the United Nations from considering a vitally important problem of the day -- the problem of strengthening international peace and security; that is to say, the very purpose for which the United Nations was created.

In that regard I should like once again to stress the position of the Soviet Union. It has not been the purpose of the Soviet Union to introduce anything new into the United Nations Charter. The Soviet Union consistently and firmly favours strict observance of the United Nations Charter. That has been our position and it remains our position today. In our view, the conclusion of a world treaty on the non-use of force in international relations would be a further development of the most important provision of the United Nations Charter -- that is, the necessity of refraining from the threat or use of force in the light of the contemporary international situation.

As we are all aware, there has grown up within the United Nations a useful practice of embodying in declarations, international conventions, agreements or treaties certain general principles contained in the United Nations Charter. The question therefore arises: Why should we depart from that useful practice with regard to such an important principle of the United Nations Charter as the non-use of force? The action we are proposing should lead to strengthening rather than weakening the bases of the Charter; it should enhance the effectiveness of the United Nations in preserving peace and preventing war.

Furthermore, against the background of a debate that was in general been businesslike, we heard the clearly discordant voice of one or two delegations -- delegations that constantly use the discussion of proposals designed to improve the international climate and strengthen peace to launch a sickening kind of unbridled slanderous attack on the foreign policy of the Soviet Union and of other peace-loving States. The Soviet delegation categorically rejects these foul fabrications and insinuations against the Soviet Union. The obstructionist policy of these countries with regard to any proposals designed to strengthen universal peace and prevent war is in flagrant contradiction with the fundamental principles of the United Nations Charter, and has been utterly discredited throughout the world.

We should like to draw attention to one more point. The Soviet Union realized that the treaty in question must be truly universal; it must be a world treaty. It should be the end product of the collective efforts of States. That is why we share the view that has been correctly expressed that an opportunity should be given to all States, on an equal footing, to express their opinions on the substance of the question we have raised, so that a draft treaty could be produced that would take all points of view into account.

On the basis of those considerations, the Soviet Union, along with a number of other States, presented to the Committee the draft resolution on this question that has today received impressive support from Members of the United Nations. The draft resolution provides that all States should be given some time to make a careful, comprehensive study of the problem as a whole, as well as of the proposals made and views expressed in this Committee during the discussion and the views and suggestions that will be communicated to the Secretary-General at a later stage.

The adoption of this draft resolution was an important step towards the further development of a world treaty on the non-use of force. The Soviet delegation expresses the hope that the Governments of all States will respond to the appeal in the draft resolution and will communicate their views and proposals on this most important subject of contemporary international life.

(Mr. Kuznetsov, USSR)

For its part the Soviet Union is ready, as it has always been, to study most attentively the proposals and views that will be transmitted. It will co-operate actively and constructively with other States in preparing a world treaty on the non-use of force in international relations.

The CHAIRMAN: I now call on the representative of Guinea, who wishes to make a short statement.

Mr. KONDE (Guinea) (interpretation from French): It is not the purpose of this statement to explain my delegation's vote. The Committee will have noted that my delegation was unfortunately, because of circumstances beyond its control, unable to participate in the discussion on the present item. Hence, I should like to make the following brief remarks.

In our opinion, this item is similar to the item under which resolution 1514 (XV) on the self-determination of peoples was adopted. The subject dealt with in that resolution is covered in the Charter, but it certainly was not useless -- quite the contrary -- to confirm it in resolution 1514 (XV).

The moral justification for the United Nations is to be found in the principle proclaimed in the Charter that States should refrain in their international relations from resorting to the threat or the use of force. Certainly, if that basic provision of the Charter had been respected, it would have been useless to discuss the item now before us.

The Republic of Guinea has been on more than one occasion the victim of armed aggression. Indeed, the United Nations itself recognized this when the Security Council sent a mission of inquiry to Conakry from 25 to 30 November 1970. There is no need to remind this Committee that imperialism is a threat to the small States, above all when they do not obey the neo-colonialist orders constantly given them by Powers with great military might. We can hardly allow ourselves to underestimate the moral principles that have made it possible for us to remain together in this Organization.

(Mr. Konde, Guinea)

Need it be said that it is only because of force that South Africa is able to continue pursuing its ignoble apartheid policy? It was because of force that colonialism was able to keep our peoples in the miserable conditions of which everyone is aware. It is appropriate to reaffirm the right of the liberation movements to struggle against their oppressors by all means, including armed struggle, in order to achieve recognition for their inalienable right to national independence and freedom.

For those reasons, my country believes that it is useful to strengthen still further our Organization's determination to ensure that our nations will not have recourse to force.

The CHAIRMAN: The Committee has concluded its consideration of agenda item 12⁴ by adopting the draft resolution which invites Member States to examine further the draft world treaty on the non-use of force in international relations, requests them to communicate to the Secretary-General their views and suggestions on this subject and requests the Secretary-General to report to the General Assembly at the thirty-second session concerning communications received by him. It also decides to include in the provisional agenda of the thirty-second session an item entitled, "Conclusion of a world treaty on the non-use of force in international relations".

We have had an extensive, interesting and useful discussion of the item in which 58 speakers have participated, not including those who have spoken in explanation of vote.

On the basis of the resolution just adopted we shall next year be able to conduct a more detailed and in-depth debate enriched, as it will be, by the forthcoming views and comments of Governments.

I am pleased to state that thanks to the spirit of diligence and co-operation prevailing in this Committee we have successfully managed to keep the pace of our work within the allocated time and number of meetings. I appreciate that as a token of co-operation and understanding on the part of the membership of the Committee. I thank members.

The meeting rose at 1.50 p.m.