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Chairman: Mr. JAROSZEK (Poland)

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AGENDA ITEM 124

CONCLUSION OF A WORLD TREATY ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS
(A/31/243; A/C.1/31/L.3)

The CHAIRMAN: In accordance with the programme of work and the timetable adopted by the First Committee at its meeting on 5 October 1976, we are beginning today consideration of agenda item 124, entitled "Conclusion of a world treaty on the non-use of force in international relations".

As the Committee is aware, the item has been inscribed on the agenda of the current session of the General Assembly on the initiative of the Government of the Union of Soviet Socialist Republics, followed by unanimous decisions of the General Committee and the General Assembly. An explanatory memorandum to that effect, signed by the Minister for Foreign Affairs of the USSR, Andrei Gromyko, and a corresponding draft treaty annexed thereto were circulated in document A/31/243 dated 28 September 1976. A draft resolution has also been circulated and is contained in document A/C.1/31/L.3. I should like to express my appreciation to the sponsor of the draft resolution, the delegation of the USSR, for having submitted it early to the Committee. This will undoubtedly facilitate the discussion of the item under consideration.

I need hardly say that of late the question of the non-use of force in international relations has been receiving consistent support both in the United Nations and in other broad international forums, as well as in the context of regional efforts. Only last summer it was dealt with extensively in the resolutions of the Conference of Heads of State or Government of Non-Aligned Countries in Colombia, and it is mentioned in the documents of the Organization of African Unity and the Organization of American States. Equal importance has been attached to it in the context of European security, whether in the Final Act of the Helsinki Conference on Security and Co-operation in Europe or in a number of bilateral treaties and agreements concluded among European States in recent years.

(The Chairman)

As a natural and logical consequence of those developments, the question is now before the United Nations to give it a form of global and codified sanction. I consider this only natural since this Organization has been established precisely to reflect the political yearnings of nations in their quest to avert the threat of war by the maintenance of international peace and security and progress towards disarmament. Indeed the very idea of the non-use of force cannot but bear directly upon the main tasks of the United Nations as set forth in its Charter.

In discussing the item before us we are not beginning our work from scratch. In fact the entire political record of the achievements of the United Nations, and particularly of the First Committee, has centred directly or indirectly on banning the use of force in relations among States. The Political Committee has probably contributed the most effective preparatory climate for taking up the matter today in its entirety. Suffice it to mention the historic Declaration on the Strengthening of International Security, worked out and adopted at the twenty-fifth session of the General Assembly, which was the harbinger of change towards the new spirit of international relations of the 1970s. Discussion of the subject at consecutive sessions in our Committee offers ample testimony to that effect. Similar trends have been consolidated by the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, also approved at the twenty-fifth session of the General Assembly; the resolution on the Non-Use of Force in International Relations and Permanent Prohibition of the Use of Nuclear Weapons, adopted at the twenty-seventh session; and the definition of aggression, which was approved by the General Assembly at its twenty-ninth session.

Therefore the new item on our agenda has its direct cause-and-effect continuity in the political realm of the United Nations. I see it as being meant as an effort to strengthen decisively the principle of international law of not using 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 and principles of the United Nations. Accordingly, the concluding of the proposed treaty would offer new and more effective guarantees of security to all countries without exception.

(The Chairman)

Finally, the subject we are beginning to discuss today has pertinence and relevance as far as the pressing problems of disarmament are concerned. The important political initiative before us seems in itself to provide a creative incentive for halting the arms race and achieving more meaningful progress in the field of arms control and disarmament. All in all, it supplements, develops and groups together the efforts made so far in the field of the non-use of force and in related fields, of which I will mention only the strengthening of international security and disarmament.

Therefore I trust that the First Committee will give careful consideration to the proposal to conclude a world treaty on the non-use of force in international relations and will lend its support to a constructive solution of this important problem in the interest of peace and international security, since this is in conformity with the cardinal aspirations of all the peoples of the world. With these reflections in mind, I now open the debate on agenda item 124.

Mr. KUZNETSOV (Union of Soviet Socialist Republics)(interpretation from Russian): The First or Political Committee is now beginning its discussion of an important and urgent issue -- the conclusion of a world treaty on the non-use of force in international relations -- an item which was placed on the agenda of the thirty-first session of the General Assembly at the proposal of the Soviet Union. This proposal has aroused great interest and has met with a positive response from States Members of the United Nations and delegations participating in the work of this session. A large number of delegations speaking in the general debate made a favourable evaluation of this Soviet initiative and expressed their support of the proposal to prepare and conclude an appropriate treaty.

The Minister for Foreign Affairs of the USSR, Andrei A. Gromyko, in his speech in the general political debate laid down those considerations of principle which guided the Soviet Union in its proposal on the preparation and conclusion of a world treaty on the non-use of force in international relations.

In putting forward its proposal, the Soviet Union has based itself on a comprehensive and deep analysis of the development of international relations and is guided by its desire to reduce the risk of the outbreak of a new world war and ultimately to eliminate it altogether. This proposal is a logical outcome of the tireless and consistent struggle of the Soviet Union to affirm in international relations the Leninist principles of peaceful coexistence among States with different social systems, to intensify and give substance to the relaxation of international tension and to strengthen world peace.

Throughout its existence the Soviet State has persistently striven for the renunciation of the use of force in relations among States to become a law of international life, for the principles of peaceful coexistence to triumph in those relations and for equality in many-sided co-operation. This was the position taken by our country at the time when the fundamental goals of the United Nations and its Charter were being formulated.

The struggle to prevent a new world war -- which in contemporary conditions could only be a thermo-nuclear war --- and to banish war totally from the life of society constitutes the main thrust of Soviet endeavours.

(Mr. Kuznetsov, USSR)

Leonid Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, emphasized at the Party's twenty-fifth Congress that:

"Struggle to consolidate the principles of peaceful coexistence, to ensure lasting peace, to reduce, and ultimately also to eliminate, the danger of the outbreak of a new world war was, and remains, the main element of our policy towards the capitalist States."

Consistently following that course the Soviet Union has, in recent years, enshrined in its bilateral relations with a number of States the principle of the renunciation of the threat or use of force in solving controversial issues between them.

The principle of the non-use of force was recognized and confirmed in relations between the USSR and the United States of America, countries which belong to different social systems. The renunciation of the threat or use of force, laid down as the foundation in the basic principles of relations between the USSR and the United States of America, is one of the essential prerequisites for the maintenance and consolidation of peaceful relations between those two countries. This recognition was also reflected in the Agreement on the prevention of nuclear war signed at the highest level between the USSR and the United States of America. It contains a clear and unambiguous commitment by the two sides

"... to proceed from the premise that each Party will refrain from the threat or use of force against the other Party, against the allies of the other Party and against other countries, in circumstances which might endanger international peace and security. The Parties agree that they will be guided by these considerations in the formulation of their foreign policies and in their actions in the field of international relations."

The principle of the non-use of force or the threat of force has also been embodied in a number of important documents and agreements concluded by the Soviet Union with France, the Federal Republic of Germany, Great Britain, Italy, Japan and some other countries.

(Mr. Kuznetsov, USSR)

This principle has also been incorporated in a number of multilateral international documents, in particular in some most important documents of the United Nations. These are, primarily, the Declaration on the Strengthening of International Security and the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations, which were unanimously adopted at the twenty-fifth anniversary session of the General Assembly.

Among those documents are the solemn Declaration of the twenty-seventh session of the General Assembly of 1972 on the non-use of force in international relations and the simultaneous permanent prohibition of the use of nuclear weapons, and the definition of aggression formulated and adopted at the twenty-ninth session of the General Assembly in 1974. The important documents adopted by the United Nations signify a major success on the part of the peace-loving countries, which for decades have unswervingly and persistently worked for the international legal prohibition of aggressive wars and the use of force in international relations.

The States participating in the All-European Conference on Security and Co-operation in order to eliminate the danger of war and armed conflicts, to make more effective the obligation not to use force and to remove any likelihood that international disputes might be decided with the aid of arms, declared in their Final Act their intention to conduct relations with all States in the spirit of the principles set forth therein, including the principle of the non-use of force which has its proper place in that document. The highest leaders of 33 European States, the United States of America and Canada have affixed their signatures to that Final Act.

(Mr. Kuznetsov, USSR)

The principle of the non-use of force is embodied in many documents of the non-aligned countries as one of the most important principles of international relations. I might refer to the Declaration of the Fourth Conference of Heads of State or Government of Non-Aligned Countries adopted in Algiers in 1973, which states that:

"The Conference reaffirms the determination of the non-aligned countries strictly to observe the principles of respect for sovereign equality and territorial integrity of all States, to refrain from the threat or use of force and to settle their disputes by peaceful means, in conformity with the the purposes and principles of the United Nations Charter, and calls upon all States to act likewise." (A/9330, para. 22)

This principle has also been reflected in the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries held in Columbo in August 1976. Among other things the Declaration stresses that:

"The non-aligned have always considered that world conflict is not inevitable. They affirm that newly-independent countries have an important role to play in easing tension and safeguarding international peace." (A/31/197, para. 8)

Accordingly, the principle of the non-use of force in international relations has received broad recognition and is reflected in many bilateral and multilateral documents. This principle is becoming ever more firmly established in relations among States.

The Soviet Union believes that at present, in the circumstances of the development of the process of détente, it is particularly urgent to undertake new efforts to get this principle accepted as an iron rule governing relations among all States.

Some delegations have said that since the principle of the renunciation of the use of force is already contained in the United Nations Charter there is no need to conclude a special treaty. Furthermore, some of them go even further and put forward the idea that a treaty on the non-use of force in international relations would contradict the United Nations Charter and virtually replace it. Let us consider whether

(Mr. Kuznetsov, USSR)

there are grounds for such an approach and such assertions. Despite the provisions in the Charter with regard to the need to refrain from the threat or use of force, numerous armed conflicts have occurred among States in the years that have passed since the signing of the Charter. There is a further important element militating in favour of the conclusion of such a treaty. At the time the United Nations Charter was signed nuclear weapons were virtually non-existent. Their emergence, and particularly their development into a huge complex of various kinds and types of weapons, is qualitatively a new factor. It radically changes our concepts of the consequences of the use of force. The threat of local conflicts developing into a world nuclear war with all its disastrous consequences for mankind has increased immeasurably. All this makes it imperative to reflect in a treaty of an international nature an undertaking by States not to use force in international relations.

It should also be taken into account that the world is still facing a large number of unresolved problems and unsettled disputes. Some of those problems and disputes which arise every now and then often exacerbate and even engendering situations of conflict with a concomitant real threat of the use of force. Some of them are a legacy of the cold war.

We must ensure a situation where all international disputes and all unresolved problems are resolved not by force of arms but around the negotiating table by peaceful means. It is no accident, therefore, that many States, in spite of the fact that the principle of the non-use of force is enshrined in the Charter, want to give prominence to it and reflect it in international treaties and agreements. The principle of the renunciation of the use of force should become an immutable law of international life and a permanent factor in the practical policies of States. The conclusion of the treaty would constitute a further development of the provision of the United Nations Charter on the non-use of force, making it more concrete and applicable to the present-day international situation. It is well-known that many general principles of the United Nations Charter have found expression in recent years in a number of multilateral conventions and agreements prepared and concluded under the auspices of the United Nations. For example, the principle of promoting

(Mr. Kuznetsov, USSR)

and encouraging respect for human rights has become the basis for human rights covenants, the Convention on the Elimination of All Forms of Racial Discrimination and other international conventions.

Can it be true that the principle of the non-use of force is less important in the United Nations Charter? Obviously that principle requires that the established practice be followed and that no efforts be spared to implement it. It is precisely with this goal that the Soviet Union has made its proposal to prepare and conclude a world treaty on the non-use of force in international relations.

I should like to turn now to the substance of the draft treaty (A/31/243, annex) that we are proposing. All the parties to it, as provided in article I:

"shall strictly abide by their undertaking not to use in their mutual relations, or in their international 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."

In the light of this, the draft treaty provides that the parties:

"shall refrain from the use of armed forces involving any types of weapons, including nuclear or other types of weapons of mass destruction, on land, on the sea, in the air or in outer space, and shall not threaten such use."

I should like to emphasize that the solution of the problem of non-use of force should be organically linked to the question of the prohibition of the use of nuclear weapons and any other types of weapons. From the outset nuclear weapons have always been properly considered to be the most dangerous and devastating weapons of mass destruction which States have ever had in their possession. The power of those weapons has now increased immeasurably as compared with their power when they first emerged. Nor must it be overlooked that the level of modern science and technology makes it possible to create new and even more devastating types and systems of weapons of mass destruction, if measures are not taken in time to prevent the emergence of such types and systems of weapons.

(Mr. Kuznetsov, USSR)

At the same time, we cannot overlook the importance of so-called conventional weapons, which are also constantly being perfected. Their power in the years following the Second World War increased many times over and still continues to grow. The use of conventional weapons in armed confrontations and conflicts over the last 30 years has brought tremendous suffering; many hundreds of thousands of people have been killed or crippled, tremendous damage has been inflicted property and cultural values created by people. It is not difficult to foresee that if the use of force in relations between States is not eliminated future conflicts involving non-nuclear weapons may become even more bloody and devastating. Furthermore, it should be realized that while the possibility of the use of force still exists in relations among States the possibility of a particular crisis or armed conflict developing into a nuclear confrontation cannot be ruled out.

(Mr. Kuznetsov, USSR)

All this points to the urgent need to consolidate the principle prohibiting the use of all possible types of weapons or any armed force in contravention of the United Nations Charter.

The draft treaty contains an obligation to the effect that "no consideration may be adduced to justify resort to the threat or use of force in violation of the obligations assumed under this treaty". This provision is of profound significance and is designed to eliminate any loop holes or pretexts which, as history has shown, an aggressor might use to justify and substantiate his anti-peace activities. This provision of the draft world treaty is designed to exclude the very possibility of a potential aggressor's finding any cunning manoeuvre or clever pretext to which he might resort in order to launch military action against other States, thereby endangering international peace and security.

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.

Article II of the draft treaty deals with the peaceful settlement of disputes. This article reaffirms the undertaking of States "to settle disputes among them by peaceful means in such a manner as not to endanger international peace and security". Compliance by all States with this undertaking would supplement and ensure universal implementation of the fundamental provisions of the treaty concerning the renunciation of the threat or use of force in international relations. Accordingly, the draft treaty clearly lays down that States parties "shall use, in conformity with the United Nations Charter, such means as negotiation, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice, including any settlement procedure agreed to by them".

Thus, the idea is to use that system of means for peaceful settlement of international disputes which has already stood the test of time. The system is designed to contribute to a responsible solution of controversial international problems and to rule out the threat or use of force in international relations.

(Mr. Kuznetsov, USSR)

The treaty also envisages a provision whereby participating States "shall... refrain from any action which may aggravate the situation to such a degree as to endanger the maintenance of international peace and security and thereby make a peaceful settlement of the dispute more difficult". This provision takes into account the close interrelationship which normally exists in practice between the efforts of States directly involved in a particular dispute and the attitude of other States towards the conflict.

The draft treaty is wholly based on the United Nations Charter and, of course, cannot fail to take into account the existing broad and complex system of international treaties and agreements which has evolved in the period following the Second World War. Article III of the treaty, in the light of the above-mentioned considerations, provides that "nothing in this treaty shall affect the rights and obligations of States under the United Nations Charter and treaties and agreements concluded by them earlier".

It is well known that the question of the renunciation of the use of force in international relations is closely linked with the cardinal problem of our day --- the problem of disarmament. This is why the Soviet draft treaty includes an article --- article IV --- whereby States "shall make all possible efforts to implement effective measures for lessening military confrontation and for disarmament which would constitute steps towards the achievement of the ultimate goal --- general and complete disarmament under strict and effective international control".

The paramount importance of this provision in the draft treaty is self-evident. Indeed, to put an end to the spiralling arms race, which is dangerous to peace, to begin reducing the stockpiles of weapons and to proceed towards disarmament would be the best way of eliminating the risk of the outbreak of another world war and the possibility that force or the threat of force will be used in international relations. It is common knowledge that it is precisely the existence of arsenals of arms of all kinds and of numerous armies that has always provided a material basis for the use of force and encouraged the aggressor to use arms for the imposition of his will on other peoples and countries and for the solution of outstanding international problems in his own interests.

(Mr. Kuznetsov, USSR)

On the other hand, the universal undertaking of States not to use force in solving unresolved issues would open up broad prospects for building up trust among States and would create extremely favourable conditions for curbing the arms race, for reducing armaments, including nuclear arms, and for making progress towards general and complete disarmament.

The draft treaty is also based on the premise that full and effective implementation of the obligation to renounce the threat or use of force requires not only measures at the international level but also concrete action on the national scale. It is well known that the direct use of armed force against other countries is, as a rule, preceded by political and propaganda preparations within the State which is planning aggressive actions. At the same time, we cannot exclude the danger of the outbreak of conflict and of the use of armed force as a result of accidents or unintentional actions. For this reason, from the point of view of scrupulous compliance by all States with the obligation not to use force in international relations, it is very important that every State determine what new elements ought to be introduced into its internal legislation in this regard. In the light of this, article V of the draft treaty provides that each party "shall consider the question of what measures must be taken, in accordance with its constitutional procedure, for ensuring the fullest compliance with its obligations under this treaty".

It is contemplated that the duration of the treaty will not be limited by any specific time period; the treaty would be of unlimited duration. Such an approach would take into account the exceptional political importance of the obligations contained in the treaty and the very subject-matter of the treaty.

Furthermore, it is also proposed that the treaty should come into force for each party upon its presenting its letter of ratification to the depositary and that the treaty should be open for signature by any State of the world at any time.

(Mr. Kuznetsov, USSR)

That approach contains certain new elements which enable all the States of the world to proceed immediately to the fulfilment of the international obligations on the non-use of force or threat of force and which preclude a situation where a few years go by between the signing of an international agreement and its entry into force. For example, such important international instruments as the Covenants on Human Rights were drafted by the United Nations as long ago as 1966, but they came into force only this year -- that is, 10 years later.

In proposing this procedure for the treaty's entry into force we have taken account also of the important fact that participation of States in such a treaty does not require any material preparation. All that is needed is the political will and readiness to comply strictly with the obligations under the treaty; any State can become a party to the treaty.

It is proposed that the Secretary-General of the United Nations should be the depositary of the treaty. In that way the United Nations as a whole will be called upon to lend all its moral and political prestige to the treaty.

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

(Mr. Kuznetsov, USSR)

still under colonial or racial domination to fight for their liberation by all the means at their disposal. That right has been recognized by the United Nations as legitimately belonging to the peoples. It is based on the United Nations Charter and on the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly as long ago as 1960, on the initiative of the USSR. This right has been embodied and reaffirmed in many decisions of the Security Council, in resolutions and declarations of the United Nations General Assembly and in the definition of aggression adopted by the United Nations.

In order to confer upon the treaty a universal and truly world-wide character it is essential that all States of the world be parties to it. For the strict and broad application of the principle of the non-use of force in international relations is in keeping with the security interests of all States and not just a particular group or groups of States.

The Soviet delegation is firmly convinced that the conclusion of the treaty proposed by the Soviet Union would be a logical continuation of the efforts of the United Nations and its Member States to strengthen international peace and security. It would provide new and appreciable momentum to the process of improving the international climate. Such a treaty would serve only one goal -- namely, the strengthening of the foundations of international security without calling into question anyone's rights or obligations or anyone's interests -- if, of course, those interests are consistent with the purposes of securing world peace.

All States would stand to benefit from the conclusion of such a treaty, regardless of their social system or the size of their territory or population, or of whether or not they possess nuclear weapons. The conclusion of the treaty would in fact lead to the strengthening of détente throughout the world.

The conclusion of the treaty we are proposing would be an exceedingly important step, bringing the world closer to the time when it will prove possible to abolish totally the threat of war and aggression. Supplementing and reinforcing the provisions concerning the non-use of force that are contained in various international instruments, the treaty would offer new and more reliable guarantees for security to all peoples and countries and would strengthen their

(Mr. Kuznetsov, USSR)

confidence that their peaceful life would not be disrupted. It is those ideas that underlie the new Soviet peace initiative which was put forward and approved at the Twenty-fifth Congress of the Communist Party of the Soviet Union.

The Soviet delegation has submitted a draft resolution (A/C.1/31/L.3) on this question. The purpose of the draft is to stress, firstly, the paramount importance for States of the question of preparing and concluding a world treaty on the non-use of force in international relations. Secondly, the draft envisages that a certain amount of time will be required for a comprehensive and thorough study of the problem as a whole and of the draft treaty submitted by the Soviet Union, as well as of the suggestions and proposals that will be made by Member States of the United Nations. It is important that all States should have an equal opportunity to express their views on the substance of the question.

The forthcoming debate in the First Committee will be the first major contribution to the preparation of a world treaty on the non-use of force in international relations.

The Soviet delegation expresses the hope that Member States of the United Nations will approach the question of preparing and concluding a world treaty on the non-use of force in international relations with a sense of high responsibility and awareness of the importance of this problem for the cause of international peace. For its part, the Soviet delegation is ready to co-operate most closely with all delegations in working to solve this major international problem.

Mr. RAMPHUL (Mauritius): Mr. Chairman, at the outset I should like to congratulate you and the other officers of the Committee on your elections to lead the main political and security Committee.

Having had the honour of presiding over this Committee at a time when the presidency of the General Assembly was held by one of your countrymen, namely my good friend His Excellency Mr. Trepczynski, Deputy Minister of Foreign Affairs of your proud country, whose presence among us here today I salute, I take special pleasure in participating under your wise guidance at this session. I wish to assure you, Sir, and the other officers of the Committee of my full co-operation, and I wish you all a successful and productive session of the Committee.

It is the well-known position of my country that the relations among States should be established firmly on universal agreed principles of inter-State relations such as the strict observance of national independence and sovereignty, non-interference in the internal affairs of other States, full equality of rights, common advantage, the renunciation of force and the threat of force, and the right of each people to decide its own fate for itself. Any violation of those principles should be considered an act against world peace and security and an attack on the cause of international co-operation.

Starting from this position, my delegation is fully supporting the idea contained in the recent Soviet proposal -- namely the conclusion of an international treaty on the non-use of force in international relations. We have ourselves advocated such an action, as the General Assembly has been reminded by my Prime Minister and Head of Government the Right Honourable Sir Seewoosagur Ramgoolam. We are also of the opinion that it is high time to start an even broader action, namely the elaboration of an international legally binding instrument containing the rights and duties of States in their international relations.

It would not be proper for me in this august and most enlightened body to stress what is already accepted as a postulate in international relations, namely the rejection of force and the threat of force as a means of solving international problems. I wish to stress that the merit of the Soviet initiative is that it brings this question of universal concern before the General Assembly as a separate item and accelerates codification of this principle.

(Mr. Ramphul, Mauritius)

It is to be openly said that in approaching the task before us we are not acting in a vacuum; we should make full use of the ground already covered both inside and outside this house.

I should now like to give the views of my delegation on the scope and content of a treaty aimed at the exclusion of force from international relations. As a general remark, it is to be stressed that this should be a document of our times starting from the realities of today and from the problems that now confront all the States of the world. Such a treaty should be free from obsolete concepts and practices which, regrettably, one can still find in the international behaviour of some States.

First of all, it is indispensable clearly to define the meaning of "force" in order to eliminate any possible loophole that could be used in violation of the spirit of the Treaty. In this respect I wish to recall the definition of aggression adopted by the General Assembly of the United Nations:

"Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition." (General Assembly resolution 3314 (XXIX))

In its Article 3 the definition of aggression contains an enumeration of acts which shall qualify as an act of aggression. The idea is that force, in whatever form, should be included in the definition for the purpose of its prohibition.

The principle of non-use of force was formulated and solemnly proclaimed by the General Assembly in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. I am referring to resolution 2625 (XXV) of 24 October 1970. This Declaration provides that a war of aggression constitutes a crime against the peace for which there is responsibility under international law.

Among other positions taken by the General Assembly on the non-use of force I wish to mention the following.

(Mr. Ramphul, Mauritius)

In 1966 the General Assembly reaffirmed that in their international relations States should strictly apply the prohibition of 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 and that accordingly armed attack by one State against another or the use of force in any other form contrary to the Charter constituted a violation of international law.

The Declaration on the Strengthening of International Security adopted by the General Assembly on 16 December 1970 provides that every State has the duty to refrain from the threat or use of force against the territorial integrity and political independence of any other State and to refrain from assisting or participating in civil strife or terrorist acts in another State and that the territory of a State shall not be the object of military occupation or acquisition by another State resulting from the threat or use of force.

One question should be particularly stressed in this context, namely the question of nuclear weapons. In 1961 the General Assembly adopted a resolution proposed by 12 Asian and African countries whereby it declared, inter alia, that the use of nuclear and thermo-nuclear weapons was contrary to the spirit, letter and aims of the United Nations and, as such, was a direct violation of the Charter. That resolution also raised the question of convening a special conference for the purpose of signing a convention on the prohibition of the use of such weapons. But most important is what my country, together with many other parties to the Treaty on the Non-Proliferation of Nuclear Weapons have constantly stated, namely the obligation of the nuclear weapon States under the Treaty to give negative security guarantees to non-nuclear-weapon States. I take the opportunity to restate here this lawful demand of ours.

The principle of the non-use of force postulates the principle that States should settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

The treaty on the non-use of force should make it unequivocally clear that at no time and under no circumstances should States resort to force. That is why we consider that the suggested article III of the USSR draft, which states,

(Mr. Ramphul, Mauritius)

"Nothing in this Treaty shall affect the rights and obligations of States under the United Nations Charter and treaties and agreements concluded by them earlier", (A/31/243, p.2)

should be improved. As it stands now it might leave room for the use of force, particularly in view of the fact that some international treaties concluded earlier contain anachronistic provisions that allow the use of force. As an example I could refer to several obsolete provisions of the United Nations Charter, such as Articles 53 and 107 regarding the so-called enemy States, of which I spoke last year in the Sixth Committee. Treaty provisions containing the possibility of resort to force are void, and when the question goes to the Sixth Committee I shall elaborate on this with reference to the Vienna Convention on the Law of Treaties and jus cogens.

(Mr. Ramphul, Mauritius)

A treaty on the non-use of force should specifically reaffirm the inalienable right of States to self-defence against armed attack. The recognition of the legitimacy of the struggle of colonial peoples for their freedom by all appropriate means at their disposal should also be incorporated in such a treaty.

The relationship between the non-use of force and the liquidation of instruments of war is evident, and the need for disarmament in this context cannot be overemphasized. That is why we believe that the formulation of article IV of the Soviet draft referring to the need for disarmament is too weak; it does not contain even that minimum commitment already contained in several resolutions of the General Assembly and various existing treaties in the field of disarmament.

We feel also that the means provided for compliance with the provisions of the treaty should be adequate, and without suggesting any specific means I invite a closer consideration of this question.

In conclusion, I believe that the General Assembly at this session should invite Member States to give their views on the scope and content of a treaty on the non-use of force so that at the next session of the General Assembly we could discuss the matter in detail in order to reach, at a later stage, a universally acceptable text. I would also suggest that the Secretariat prepare background documentation on existing international multilateral agreements and documents relevant to the subject-matter, as well as any other reference it considers useful for the elaboration of the treaty under discussion. We would also suggest that the Office of Legal Affairs present in a systematized manner, under headings to be agreed upon, a summary of the views of States as expressed in the First Committee and in the communications of Governments.

Finally, I should like to take this opportunity to congratulate the delegation of the Union of Soviet Socialist Republics on its initiative in placing on the agenda of the thirty-first session of the General Assembly the item "Conclusion of a world treaty on the non-use of force in international relations". We welcome the Soviet draft contained in document A/C.1/31/L.3. My delegation finds no difficulty in supporting this draft and, with the permission of the author, we should be only too happy to become a sponsor, in the best interests of international relations.

The CHAIRMAN: I should like to tell the representative of Mauritius how much I appreciate his kind words addressed to the officers of the Committee and to me personally and his expressions of readiness to co-operate with us. I would recall that I had the pleasure of serving in this Committee at the twenty-seventh session under his wise guidance -- a session at which the functions of the presidency were exercised by my distinguished compatriot, Deputy Foreign Minister Trepczynski, to which fact Ambassador Ramphul was kind enough to refer.

Mr. JAIPAL (India): In commenting on the item at present before this Committee it is necessary for us to bear in mind the fact that it has been brought before the General Assembly by a permanent member of the Security Council as "an important and urgent question". In terms of Article 24 of the Charter, permanent members of the Security Council have a continuing and almost permanent responsibility for the maintenance of international peace and security. Proposals by any one of them concerning the strengthening of world peace therefore acquire special significance.

In the present case, the Soviet Union has stated in its letter of 28 September 1976 that:

"... hot-beds of war still exist ... as a consequence of aggression and the use of force ... /and/ it is necessary to make additional efforts to ensure strict observance by all States of the principle of the non-use of force or the threat of force". (A/31/243)

That statement constitutes an appraisal of the contemporary situation by a permanent member of the Security Council. It should not therefore be ignored -- nor should it be dismissed as propagandist. On the contrary, it deserves our serious consideration.

It is interesting that this appraisal of the world situation by the Soviet Union is not very different from that of the Prime Minister of Norway, who, speaking at the plenary meeting on 21 October, said the following:

"... many of the hopes voiced in San Francisco in 1945 for a safer and better world have not been fulfilled ..."

(Mr. Jaipal, India)

"Peace, to the extent it was achieved, was based on a balance of power rooted in increasingly sophisticated and frightening weapon systems instead of being based on international law and order." (A/31/PV.39, p. 37)

And the Prime Minister went on to say that today the most important task of the United Nations is peace-building.

My delegation believes that the strengthening of world peace is of paramount importance at any time. It is even more important at a time when the world is burdened with the unacceptable risk of a nuclear war and the United Nations is looking on helplessly at the ever increasing arms race in nuclear and other weapons. One of the ways of strengthening world peace is by promoting the rule of law and the strict observance of the obligations of Member States under the Charter of the United Nations.

In that context, the progressive development and elaboration of the principles of the Charter and their universal application is essential for securing their more effective implementation. It is also essential for the maintenance of international peace, especially the elaboration of the principle of the non-use of force or threat of force.

The fact that this principle is already enshrined in Article 2, paragraph 4, of the Charter should not by itself preclude further action by the General Assembly to secure its more effective application. Since the establishment of the United Nations there have been several conflicts and outbreaks of hostilities; and if a world treaty, as proposed by the Soviet Union, would help to improve the climate for peace then I suggest that it should be examined in all seriousness. And if it would reduce the risk of an outbreak of a world war that is even greater reason for examining with every possible care the proposition before us.

The objective situation in the world today does not inspire one with a great deal of faith in the existing machinery for the maintenance of international peace. We are living in an international community of nation States with different political, economic and social systems and different levels of development. Such a situation is inherently fraught with possibilities of

(Mr. Jaipal, India)

confrontation of one kind or another among Member States. In these circumstances, it is always a good thing on the one hand to promote friendly relations and co-operation among Member States and on the other hand to strengthen the rule of law with measures designed to prevent breaches of international peace.

It is in this perspective that we view the Soviet Union's proposal for a world treaty on the non-use of force in international relations. The draft treaty formulated by the Soviet Union may need further elaboration in order to take into account various situations in which the principle of the non-use of force or threat of force should be applied.

The Government of India has not yet had time to give this matter the detailed consideration to which it is entitled, but we support the initiative in principle. Also, we support the idea that Member States should have more time to send their considered views on this important proposal to the Secretary-General so that the General Assembly might continue its examination of this question at the next session. The draft resolution submitted by the Soviet Union (A/C.1/31/L.3) meets our expectations and has our full support.

Mr. BAROODY (Saudi Arabia): Mr. Chairman, your assumption of the chairmanship is most heartening and felicitous, in view of the fact that you possess those qualities in your personality that are most commendable. Sir, you are cool, calm and collected. I have known you for many years as a person not to be easily ruffled, and this is what we need in the First Committee, when sometimes such thorny questions as we have on the agenda appear. Fortunately, one of the thorniest, the question of Korea, is not going to ruffle many of us in this Committee this year.

Having said this, I must also congratulate ourselves not only on your assumption of the chairmanship, Sir, but also on the equally felicitous choice of the Vice-Presidents and the Rapporteur, and I must also express my gratitude to the officers of the Committee who have always been alert and of service to everyone of us in this Committee.

It was indeed heartening to find an old friend among us who today presented the Soviet view on the question of which we are seized. I listened to, and read at the same time, the statement of Mr. Kuznetsov. There could have been no better presentation for the attainment of world peace without having to resort to force. Like myself Mr. Kuznetsov was a contemporary of two world wars and we know what wars have wrought in devastation and ravages in this world. But, as he also rightly mentioned, since the Second World War and since the signing of the Charter in 1945 --- and I happened to be there at the time --- we have had several conflicts in which the major Powers were involved. I do not need to enumerate those conflicts lest, lest it exacerbate a situation that should be calm when we discuss a draft treaty like the one that is proposed to us today.

It is true that the Charter affirmed the principle of the non-use of force, but, as I said, this did not prevent several conflicts from taking place. But I must stress the point that it is not only the systems of weapons of mass destruction that we should be afraid of. Conventional force has been used in international disputes --- as I mentioned, in two world wars. Nuclear weapons were not known then. Conventional weapons in any future conflict are sufficiently devastating to make their use as inhuman as the unleashing of nuclear weapons.

I will recall to the memory of Mr. Kuznetsov that when Hiroshima and Nagasaki were destroyed, something like 100,000 or 120,000 lives were lost; I do not have the exact statistics and I would not venture a guess.

(Mr. Baroody, Saudi Arabia)

Let me also remind the members of the Committee that Dresden, which was not a military target, was almost wiped out during the Second World War by conventional weapons. Therefore, conventional weapons can be as dangerous as nuclear weapons ... even if they do not poison the atmosphere as do nuclear weapons. The use of conventional weapons in any future conflict can be sufficiently devastating as to make it as inhuman as the unleashing of nuclear weapons.

I must remind the nuclear Powers that every nuclear Power has more or less vowed that it would not be the first to use nuclear arms. Why then are those nuclear States still devising systems based on the use of nuclear weapons? I am asking this question out loud; I do not want an answer to be given; the answer should be self-evident because there is still a lack of goodwill among States.

Do we not all wish that force could be avoided in, for example, in southern Africa? But it seems that freedom, both internally and externally, has throughout history depended once in a while on the use of force. I said "internally and externally". What about the French Revolution or the Russian Revolution of 1917? Or the Civil War in this host country? Did they not have to resort to force when persuasion failed? One might say that conditions have changed, and radically so. Nothing has changed. It is the will of those who exercise power, who want things to be as they are, that is a deterrent to the use of force.

A world treaty, such as has been suggested today and expatiated on by the Soviet representative, would be most commendable, with this proviso: that those who are struggling for their independence will sometimes, unfortunately, have to resort to the use of force. "But", one may say, "the struggle would be localized". No, it would not be localized, because unfortunately we still have in the world what are called "spheres of influence", and usually these spheres of influence are composed of States which, perhaps by dint of self-interest, have, so to speak, to play politics with those who exercise that influence.

(Mr. Baroody, Saudi Arabia)

How can we meet that obstacle? I have been here for 30 years, listening to statements on disarmament, and still concomitantly with this talk on disarmament, those spheres of influence are extant. "Now, do not touch that country. There is an understanding that it is in my sphere of influence". And "Don't touch that other country". I am not going to mention names of countries, but there have been wars because of interference by major Powers in each other's sphere of influence.

(Mr. Baroody, Saudi Arabia)

It would be still better if those same Powers had not interfered in their own spheres of influence sometimes, let alone trying to see to it that another major Power did not have its finger in their pie. What can we do about these things? We renounce, as we do in the Charter and would in this commendable draft treaty, the use of force for the settlement of disputes, and some Powers are still devising new systems of mass destruction. Of course, a world treaty as proposed by Mr. Kuznetsov is a step in the right direction for perhaps the ultimate achievement of world peace without force, but would it not be advisable for our friends from the Soviet Union to work out, not the principles because they are all laid down in this draft treaty, but the rest of it with the permanent members of the Security Council? Of course, here in the General Assembly we are recommending to the Security Council that it should seriously consider the adoption and ultimate ratification of such a treaty. We, the smaller Powers, would welcome a decision taken by the members of the Security Council -- and I mean the permanent members of the Security Council -- to establish such norms as are envisaged in the draft treaty. We should be encouraged thereby to append our signatures to such a treaty -- we, the smaller Powers.

There is another point to which I should like to draw the attention especially of the major Powers and of those smaller Powers that ape them sometimes -- "ape" in the sense of imitate. There is intervention nowadays because of the deterrent effect of the horror and fear caused by weapons of mass destruction and, more particularly, nuclear weapons. There is intervention which is covert. Overt intervention is war, or may lead to war, but what about covert intervention on account of the fear that is generated by today's weapons of mass destruction? Again I am not going to mention names, but many of us know very well that the budgets of certain Powers that are used for spying or intelligence purposes -- I do not know how intelligent they are sometimes -- run into billions. I am not going to mention the currencies; everybody

(Mr. Baroody, Saudi Arabia)

knows what the currencies are. The gathering of intelligence may be a small fraction of the budget -- perhaps one tenth or so. For what purpose do those Powers allocate the other 90 per cent of the budget? To interfere in the spheres of influence by subversion, by intervention. What about our treaties? We sign treaties, and then we still covertly interfere in other peoples' countries. Perhaps I may venture to say that the major Powers should take this into consideration in incorporating provisions in any future treaty on this matter.

It is good to talk about fraternity and say that we belong to the same human family and should live in peace. We should, and any exhortation on our part to that effect, which may take the form of a treaty, is commendable, but what are we going to do about some of the leaders -- or, as I call them, misleaders -- in the world? They talk about one thing and then they prepare for another. The one thing they talk about is the necessity for peace, and they are preparing always for war. There is a schizophrenic quality about this behaviour, if I may say so with all due respect, and I am not going to mention any Power or any leader: far be it for me to be so discourteous in this Committee. There is an old and famous saying about talking peace but keeping your powder dry. What if somebody brings a match and surreptitiously puts a spark to the powder keg? Who is going to determine who started the conflict? The chain reaction is another phenomenon in international relations.

Therefore, I do not want to be misunderstood. What I am saying should not be interpreted as being against the draft treaty that is proposed to us. I am all for it, as every human being should be, but what are the mechanics of that draft treaty? How are we going to get the leaders of the major Powers to find a way to obviate the use of force in settling international disputes? Of course the draft treaty provides indirectly for force being used by those who are still under a foreign yoke. That is why we have guerrilla warfare nowadays; it is horrible, but there is no alternative. Revolutions are not always to be desired, because, after all, they cost a great deal in blood and wealth; they result in bereaved families -- wives lose their husbands and

(Mr. Baroody, Saudi Arabia)

children lose their fathers; and there is maiming and devastation. Nobody can subscribe to war, but can those States that exercise world power promise us that they will not only exert influence but take drastic measures to see that force is not used by those who are fighting to extricate themselves from tyranny, and will they assure us that through persuasion they can prevail on the tyrants or oppressors to be reasonable and liberate those who are yearning for freedom? I am not citing cases now, but in the appropriate committees we shall mention something about what is being done. The Charter provides for sanctions. Are sanctions being used? This is a peaceful way of trying perhaps to bring pressure and persuade without the use of force, so that things may be done in order that people may attain their freedom. Or is there a gentleman's agreement between certain Powers which amounts to saying: "I will not embarrass you in one area if you do not embarrass me in my area. Scratch my back, and I'll scratch yours." I am putting it bluntly. Unfortunately, before both the First World War and the Second World War, and thereafter, it was sometimes around a question of economics, not politics, that the causes of war revolved.

(Mr. Baroody, Saudi Arabia)

And, in any future treaty, should we not mention something about the new economic order, if we could devise one? Why do people go to war? Remember --- and now this is in the realm of history -- the First World War was not fought against German militarism as such, because the biggest military Power was France and the biggest naval Power was Britain; but Germany was catching up with them. It was not against German militarism but against German mercantilism because the Germans, having arrived late on the scene of the colonization of territories abroad, developed industry with a high sense of discipline, cut their costs and invaded the world markets. That, of course, worried many amongst the colonial Powers.

Therefore, the economic order should not be neglected in any future treaty. I am sure that our friend from the Soviet Union will take into account the fact that, even before Marx mentioned it, politics revolved around economics -- from the mythological days of Adam and Eve and Cain and Abel. A man killed his brother in order to have more than him; it is greed. I am not saying that we are going to have to devise a new economic order in that treaty, but some reference should be made to the justice that should prevail.

These treaties remind me of prescriptions. A prescription contains a remedy to cure the ills of mankind. And I am not singling out this draft treaty which I have said, and repeat, is commendable. If it were not, I would have said so. But when it comes to the interrelationship between the major Powers and, to a lesser extent, among the lesser Powers, as we are witnessing in Europe, in our part of the world in the Middle East, in the Far East, in the new hemisphere -- almost in every part of the world -- there is one element lacking in the prescription, and more so in the prescription of the major Powers. We cannot be beguiled by the colour of the solution that goes into the prescription if it does not contain the basic element which we hope will bring about the cure, that is, mutual trust.

Do the prescriptions of the major Powers -- and the lesser Powers, for that matter -- contain that element of mutual trust? I leave it to representatives to answer. But, if it is not there, it could be made available by them; because, after all, distances have shrunk; the

(Mr. Baroody, Saudi Arabia)

biosphere in which we live tends to be poisoned and polluted. We may destroy the human species by attrition rather than by war. We have grave problems confronting us, whether we belong to large or small Powers. It is that mutual trust enabling men to live together as human beings, regardless of our social or political system, that counts. That should be the catalyst in any treaty or treaties purporting to bring about world peace.

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

Mr. ROSSIDES (Cyprus): I wish in the first place to say how happy we are to have you, Sir, as Chairman of this Committee with your patience, your tact, your wisdom and your dedication to the principles of the Charter, at a time when very important matters are coming before this Committee in relation to the preservation of international peace and security in the world. My congratulations go also to the other officers of the Committee.

The item proposed by the representative of the Soviet Union is of vital importance, particularly as we live at a time when there have been manifestations of an increasing use of force on more than one occasion with very regrettable consequences for the whole concept of the United Nations role in preserving international peace and security. Indeed, the Secretary-General in the introduction to his report for this year very clearly mentions that during the last few years there has been a great deterioration in the world in matters of international peace and security; acts of aggression have been perpetrated in unprecedented ways. It is therefore very timely that the representative of the Soviet Union has introduced this item -- which could, of course, have been introduced by a number of other members who feel the same way.

(Mr. Rossides, Cyprus)

I should like, however, to draw attention to the following. It may be said that we already have a treaty against the use of force, a treaty solemnly entered into, that is, the United Nations Charter, which in Article 2 (4) expressly states that there should be no threat or use of force. That treaty has been ratified by all Member States represented in this Committee, yet it has been violated by some States and even to an excessive degree.

Therefore, the question may be asked: Why do we need another treaty since we already have one? I would answer that the Charter has many provisions, among them that on the non-use of force. The present treaty is to focus attention on that most important obligation under the Charter and make sure that all Members will reaffirm that obligation by a new treaty. In this respect, I should like to point out that Article 2 (4) of the Charter states:

"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, or in any other manner inconsistent with the Purposes of the United Nations."

That is exactly what we want to achieve by means of this treaty.

I should also like to draw attention to the immediately following paragraph 5, which very clearly states:

(Mr. Rossides, Cyprus)

"All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action."

That is the crux of the whole question, namely, that Article 2, paragraph 4 does not stand without paragraph 5 and that paragraph 5 speaks clearly about the need to take preventive or enforcement action. This should be borne in mind in any declaration or treaty that is to be entered into. It is not enough to have a declaration and it is not enough to have a treaty, unless there is effective provision for their implementation. Any State can sign a treaty and, if there is no provision for enforcement or implementation, it may easily violate it, as States are now violating the Charter.

But those who drafted the Charter envisaged that possibility and provided for its implementation, not only by the provisions of paragraph 5, which follows paragraph 4, but also by explicitly dealing with the subject in subsequent articles. There is article 23, which established the Security Council exactly for that purpose. Article 24 states:

"In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security ...".

In that way the Charter becomes meaningful, because the United Nations has established a Security Council to maintain international peace and security through the implementation of its resolutions based on Article 2, paragraph 4. The Charter, after dealing with the pacific settlement of disputes through negotiation, inquiry, mediation, conciliation, arbitration and so on, provides that if there is no settlement and force is actually used, then, under Article 39:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression" -- which would mean use of force in violation of the Charter -- "and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security."

(Mr. Rossides, Cyprus)

Article 41 provides for measures not involving the use of armed force, such as sanctions, and Article 42 provides for enforcement action.

The Charter must be seen as a whole and must be applied as a whole. So far, unfortunately and regrettably, for reasons which I shall not now enter into, this part of the United Nations Charter, which is at the heart of the United Nations and of its functions, has remained inoperative. Resolutions of the Security Council, and even resolutions adopted unanimously by the Security Council, remain unimplemented. Thus there is little prospect of ensuring international security and peace through the United Nations. That is why we are in the present state of international insecurity in the world.

We support and are in full accord with this move by the Soviet Union. We shall examine the proposal more carefully to see how we could improve on it, if at all, we shall do all we can to promote its adoption, we shall vote in favour of it and we shall work for the speedy ratification of the treaty. However, parallel with that action, in order that there may be sequence in our approach and meaning in what we are doing for peace, we should proceed in the proper way. The General Assembly should proceed in the proper way by inviting the Security Council to consider the adoption of measures in accordance with the Charter for the implementation of its resolutions, so that they may become meaningful and not be treated merely as scraps of paper. As long as the Security Council does not assert its authority to have its resolutions implemented, I am afraid there will be little hope of discouraging aggressors, there will be little hope of bringing about a sense of what is intended in the Charter by the provisions on international security and peace through peaceful means and not through force.

This is a preliminary statement that I am making on this subject to point out the need for measures for the implementation of the provisions of the treaty. I am sure that the representative of the Soviet Union will agree with me that measures for implementation should be included in the draft. I am very happy to note that this is provided for

(Mr. Rossides, Cyprus)

in the letter dated 28 September 1976, which states:

"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)

But we should also proceed to have the existing provisions of the Charter implemented through the possibility of enforcement action in accordance with the relevant paragraphs. Mandatory terms are used in the Charter -- the word "shall" is used in Article 39: "the Security Council shall ... decide what measures shall be taken in accordance with Articles 41 and 42" of the Charter.

The meeting rose at 12.40 p.m.