

United Nations  
**GENERAL  
ASSEMBLY**

THIRTY-FIRST SESSION

Official Records \*



FIRST COMMITTEE  
16th meeting  
held on  
Wednesday, 27 October 1976  
at 3 p.m.  
New York

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VERBATIM RECORD OF THE 16TH MEETING

Chairman: Mr. JAROSZEK (Poland)

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Conclusion of a world treaty on the non-use of force in international relations

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Distr. GENERAL  
A/C.1/31/PV.16  
28 October 1976  
ENGLISH

The meeting was called to order at 3.10 p.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)

The CHAIRMAN: I should like to thank the representative of Romania for his kind co-operation in agreeing to speak this afternoon instead of tomorrow, thus responding to the appeal that I made at this morning's meeting.

Mr. DATCU (Romania) (interpretation from French): The First Committee of the General Assembly is now discussing a matter of crucial importance to all peoples of the world. At the outset I should like to state that Romania supports the initiative of the Soviet Union concerning the conclusion of a world treaty on the non-use of force or the threat of the use of force in international relations, and we do so in the conviction that the conclusion of such a treaty is imperative at this time in order to ensure peace and security throughout the world.

In the view of the Socialist Republic of Romania, the establishment of world peace calls for a system of commitments clearly assumed by States as well as specific measures that will offer all States full safeguards and the assurances that they will be protected from any danger of aggression or any other act or threat or force. Guarantees which will enable them to develop freely will also provide an atmosphere of understanding, co-operation and peace. The President of Romania, Nicolae Ceausescu, pointed out on 29 June last that:

"The need is increasingly felt for agreements to be arrived at which will include adequate guarantees and lead to the elimination of the use or threat of force, thus affording to all peoples the assurance that they are safe from any aggression or foreign intervention on any pretext or in any form."

(Mr. Datcu, Romania)

My own country, at the Conference on Security and Co-operation in Europe stated that such a comprehensive agreement should be arrived at and should be included in a declaration of principles governing relations among the participant States. It should include a commitment by those nations not to resort to the use or threat of force in their relations with one another. My country also proposed a series of political, legal, military, economic and cultural measures intended to ensure that in the relations among the States of Europe there should never be any threat or use of force.

On the basis of those ideas and after full and constructive negotiations, a series of articles was inserted in the final act of the conference and is today an integral part of the commitments assumed by the participant States.

The principle of the non-use of force or the threat of force has been applied and included in a number of documents that have been drawn up between Romania and other countries. Suffice it to mention that my own country has signed at the very highest level more than 40 treaties during the last four years -- treaties of friendship and co-operation and solemn declarations -- with countries from all parts of the world of different sizes and with different social systems. A number of those documents have been circulated as official documents of the United Nations General Assembly and of the Security Council.

Those are the reasons why the Romanian delegation was deeply interested in supporting the proposal of the Soviet Union with respect to the conclusion of a world treaty on the non-use of force in international relations and the inclusion in the agenda of the present session of the General Assembly of an item to that effect. With respect to the possibility of achieving world security, we feel that the conclusion of a world treaty on the non-use of force in international relations could well become a highly significant document in the strengthening of peace among the nations of the world. International security, the security of each State, cannot be dependent on the balance of terror, the arms race, or the existence of opposing military blocs, because all those factors are based on the possible use of force against other States.

(Mr. Datcu, Romania)

Experience has shown that force can provide no valid answers to international problems. On the contrary, the sad lessons of history show quite clearly that the total exclusion of any act of force from international life represents one of the categorical imperatives of international existence. We believe that the solution, which must be put into effect as soon as possible, is to undertake commitments and adopt effective measures -- and I stress the word "effective" -- to govern relations among States. Such commitments and measures must relate primarily to the political, legal and military aspects of those relations. The standards underlying the non-use of force or the threat of force must be clearly defined and all those norms must be included in one comprehensive document of universal validity. Only in that way can we enter on a new stage in the effort to build a peaceful world shielded from the danger of aggression and war.

(Er. Datcu, Romania)

Such a document would have to express a new form of international relations designed to exclude for ever the outmoded policies of force and diktat, all forms of domination and oppression, and establish a new form of international relations. This would be all the more useful since the road to détente is still fraught with dangers and there still exist in the world powerful forces that can seriously threaten the security and safety of peoples.

Further, the terms of the document on the non-use of force in international relations must cover all the elements accumulated in international law in its progressive evolution and development. It must be in keeping with the existing situation in the relations among States and take into account the present conditions and requirements of the maintenance of peace and security.

The treaty must take into account the legitimate interests of all States and define their behaviour in their mutual relations, regardless of their social and political system, their size, their geographical location or their level of development, in order to banish from international life any threat or use of force. It would thus contribute to strengthening confidence among States and to creating a more propitious atmosphere for the solution of the major problems besetting mankind. The very fact of having started this debate on the conclusion of such a treaty and the negotiations on its terms should give new impetus to efforts at disarmament, encourage more effective negotiations and promote the adoption of effective measures with respect to military disengagement and disarmament, especially nuclear disarmament.

To be sure, the conclusion of such a treaty should in no way affect either the legitimate character of the struggle of peoples to rid themselves of colonial domination and win freedom and independence or the legitimate right of every State to defend itself against any armed attack and its inalienable right to protect its independence and territorial integrity.

It is obvious that there still exist in the world elements and factors that give rise to the threat or use of force. That is why, while negotiations on the conclusion of this treaty proceed, all States must redouble their efforts to eliminate hotbeds of conflict and their origins; combat interference, pressure and diktat in international relations; eradicate

(Mr. Datcu, Romania)

under development and political and social domination in whatever form and establish a new international economic order; stop the arms race and work towards disarmament and the dissolution of military blocs.

The resolute search for the solution of these problems is an essential condition of the non-use of force or the threat of force to becoming the effective, permanent and universally applied policy of States in their mutual relations.

In order to achieve this goal it is necessary to strengthen the role of the United Nations with regard to the maintenance of peace and security, the safeguarding of the independence and sovereignty of all Member States, the settlement of international problems on the basis of the participation on an equal footing of all its Members, taking due account of the reality and the requirements of the world today.

We listened with great interest to the comprehensive statement made in our Committee by the First Deputy Minister for Foreign Affairs of the Soviet Union, Vasily Vasilievich Kuznetsov. We fully intend to examine most thoroughly the draft world treaty prepared by the Soviet Union.

In an interdependent world where peace and security are indivisible, the problem of the non-use of force or the threat of force is of paramount importance to all States and peoples of the world. Hence, it is imperative that this draft treaty be concluded as soon as possible in an appropriate forum and with the participation of all States concerned, in order to proceed to its signature and ratification and to ensure its implementation, without any exception, in the relations of every State with all other nations.

For its part the Romanian delegation is ready, as in the past, to take an active part in defining the obligation of States not to have recourse to force or the threat of force in their mutual relations, because it is convinced that respect for this obligation is of decisive importance for the application of all the other fundamental norms of international law and the creation of a system of international relations based on justice, equity and dignity.

(Mr. Datcu, Romania)

To that end, the Romanian delegation supports the draft resolution submitted by the Soviet Union in document A/C.1/31/L.3, since it considers it to be an effective first step in the study of this question within the United Nations. It also wishes to associate itself with the draft resolution by becoming a sponsor.

Mr. ALZAMORA (Peru) (interpretation from Spanish): Since this is the first time that I have spoken in this Committee, I wish to take this opportunity to express the satisfaction of the delegation of Peru at your election, Sir, to preside over our important work. We are sure that your intelligence, your skill and your experience guarantee the success of that work. We are happy to express our satisfaction too at the election of the other officers of the Committee.

The item before us is certainly one of the most important in the realm of international relations. Indeed, as is well known, Article 2, paragraph 4 of the Charter of our Organization recognizes the principle of the non-use of force. Therefore, my delegation welcomes the initiative taken by the delegation of the Soviet Union in drawing the General Assembly's attention to this fundamental question within a new structural and organic framework.

Because of the importance of this subject, the General Assembly, as we all know, has considered on various occasions the question of the non-use of force. A number of delegations have specifically referred to the various resolutions in which the United Nations, particularly during the twenty-fifth and twenty-eighth sessions of the General Assembly, has reaffirmed that principle and proposed methods to ensure its implementation. Furthermore, many States, in their bilateral relations or within the framework of a multilateral relationship, have spoken out in favour of the need to ensure the observance of the principle.

In reference to only one of the most important of those groups, I would remind the Committee that the existence and application of the principle of the non-use of force in international relations are very closely linked to the very essence of the non-alignment movement, which, from the very beginning and up to and including the recently held Conference of Heads of State or Government at Colombo, has stressed its unshakable adherence to the principle and its commitment to make every effort to ensure its effective, complete and universal implementation.

From that point of view, and on the basis of the same concern, the Soviet initiative contains some important common points and some essential aspects that require special comment.



(Mr. Alzamora, Peru)

First, a correct understanding of the principle of the non-use of force cannot in any way serve as a pretext for making an exception to the exercise of the permanent and inalienable right of all peoples to self-determination and independence.

Similarly, the strengthening of peace, which nations seek by this and other means, cannot, in our opinion, be understood to mean the consolidation of an international situation which is not necessarily just and whose main external characteristic is a division into spheres of influence that is not in keeping with respect for the principles of the independence and equality of States.

On the same lines, we are aware -- and we want to make this clear now -- that there is an ever clearer understanding by the international community of the very close relationship between the concepts of economic and social development and those of peace and security. If there were not, the equality of States would be only an illusion, with no chance of becoming a fact. Thus, we welcome the support given to the proposed establishment of a new international economic order as a significant step towards understanding and peace.

Furthermore, although we do not in any way underestimate the seriousness of the use of military force as such -- force that is used so often in violation of the Charter -- we believe that it is indispensable to draw up a clearer and more detailed definition of the threat of the use of force or the use of force in international relations. In that respect, there are a number of international actions that have aspects which, without necessarily being tantamount to armed aggression, as defined by our Organization, do fall within the framework of the kind of force that is incompatible with the United Nations Charter. As far as our Organization is concerned, I can mention resolution 3389 (XXX) on the implementation of the Declaration on the Strengthening of International Security, in which, in addition to reaffirming the opposition of the international community to any threats of the use of force, intervention, aggression, foreign occupation and measures of political and economic coercion which attempt to violate the sovereignty, territorial integrity, independence and security of States, the Assembly reaffirmed that any measure or pressure directed against any State while exercising its sovereign right clearly to dispose of its natural resources constituted a flagrant violation of the right of

(Mr. Alzamora, Peru)

self-determination of peoples and the principle of non-intervention which, if pursued, could constitute a threat to international peace and security.

It is on the basis of those considerations that we believe the application of the principle in question should be examined. In that respect, we think it would be appropriate for States to inform the Organization of their various opinions on the subject, opinions that should be taken into account when this aspect is thoroughly dealt with.

My delegation feels that we might also study the appropriateness of drawing up a treaty on this aspect. Hence, we wish to express our appreciation to the USSR delegation for submitting a first draft, which we shall study with care and in a constructive spirit. In that respect, we must bear in mind that the United Nations Charter itself can be considered substantially as an instrument for the implementation of the principles and purposes set out in Chapter I and, therefore, that the deficiencies in the development and proper implementation of those principles and purposes should be examined as a matter of priority and in the light of the very provisions of the Charter, in the general context of the review of the Charter.

However, regardless of the procedure to ensure the implementation of the principle in question, we believe -- and we lay great stress on this -- that this matter cannot be divorced from the question of disarmament, for it is clear that the stronger are those who use force, the more serious and dangerous will be that use of force. Hence, the extent and pace of the process of disarmament will furnish basic proof of the sincerity of our purposes.

(Mr. Alzamora, Peru)

Let us, however, realize that we are studying a subject as old as man himself, a subject we thought had been defined and settled when this Organization was founded upon the rubble left by the Second World War. Therefore today we must tackle this same problem with the faith and optimism nurtured by our idealism but with the patience and humility to be derived from experience, the realism we have achieved and a knowledge of the complexity of the problem.

At the beginning of this statement I expressed my gratification -- and I wish to do so again -- at the opportunity given us by the Soviet initiative to carry out a thorough study of the main aspects of international relations because of their very close relationship with peace itself. I would again say that we believe that peace must be considered not as a mere absence of situations of warlike confrontation but as a condition qualitatively different and better than that, a condition defined in the purposes and principles of the Charter of the United Nations, which must serve as a positive guide for the behaviour of the world community and open the way to new international relations between States on an equal, independent and just footing of freedom and peace.

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

Mr. HOLLAI (Hungary): The Hungarian delegation listened with great attention to the presentation during the general debate in the General Assembly of the Soviet initiative concerning the drawing up and conclusion of a world treaty on the non-use of force in international relations. We studied with no less care the letter and the draft world treaty sent by the Minister for Foreign Affairs of the Soviet Union, Andrei Gromyko, to the Secretary-General in connexion with the request for the inclusion of this item in the agenda of the present session.

We were satisfied to note that the General Assembly, mindful of the importance and timeliness of the Soviet initiative, placed the question on the agenda and thus enabled Members States to express their views thereon. I should

(Mr. Hollai, Hungary)

like now to make use of this opportunity to state briefly the relevant views and positions of the Hungarian delegation.

First of all I should like to point out that, as was made clear by the head of the Hungarian delegation in his statement during the general debate, the Hungarian delegation attaches paramount importance to the non-use of force in international relations and supports the relevant Soviet initiative. This is only natural since it is a major goal of our foreign policy to secure favourable external conditions for the peaceful creative activity of our people. For the same reason we have in all forums and on all occasions supported any initiative -- and we regard the proposal presented under this item as one such -- likely to contribute to the strengthening of international peace and security, to the advancement of the principle of peaceful coexistence and to the deepening of the process of détente.

Although, owing to the growing strength of the progressive peace-loving forces and at their request, the principle of the non-use of force has been laid down in a number of important international instruments adopted within and outside the framework of the United Nations since it was established, these instruments either are of a comprehensive character but lacking in legally binding force -- as, for example, the resolutions and declarations of the United Nations General Assembly -- or are binding but not of a comprehensive character and do not embrace the whole world.

What the proposal presented under this item seeks -- and this is an added element of importance in it -- is precisely to make the non-use of force a general and universally binding law of international relations. As the non-use of force is treated by the Charter in a prominent place -- in Chapter I on purposes and principles -- it is completely clear that the proposal is consistent with the Charter on the one hand and, on the other, serves to reinforce it. This is indeed necessary because, unfortunately, some Member States have not always observed the provisions of the Charter, as has been demonstrated in the period since it was drawn up and adopted. This holds good also for the principle of the non-use of force.

We are of the opinion that the proposal now before us is both necessary and timely. It is in our days that positive changes in international life have

(Mr. Hollai, Hungary)

made it possible for this question to be raised at all in the forum in which we are dealing with it now. We need not look back far into the past to see that some time ago the use of force in international relations was not only not prohibited under the law but was indeed the rule to be resorted to as a natural means of settling disputed issues. What was regulated was warfare, the law of war, and States did indeed enforce that right -- launching wars, committing acts of aggression, forcefully reducing whole continents to colonial bondage and invading and annexing alien territories. Might was right in those times.

It was the terrible devastation of the Second World War that led to the realization and recognition of the need to maintain international peace and security, to solve controversial issues by peaceful means and for Member States to refrain from the use and even the threat of force in their international relations. These important principles were embodied in the Charter also. However, the period following the establishment of the United Nations has been characterized by the major imperialist Powers' cold-war policy of evil memory and their insistence on maintaining the colonial system, even by force if need be, rather than by their giving effect to and translating into reality the lofty principles laid down in the Charter. That has inevitably generated tensions in international relations and even led to the danger of escalation. The shift in the correlation of forces has entailed considerable changes in the world of our day. The policy of cold war and brinkmanship in East-West relations has irrevocably receded into the past, with the principle of peaceful coexistence and the policy of détente gradually gaining ground.

(Mr. Hollai, Hungary)

As for the colonies, we may state today, 15 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, that the colonial system of the imperialists has collapsed and its complete liquidation has become a direct task of the present day. The newly independent countries, especially those belonging to the non-aligned movement, have strengthened the progressive forces in the world and have supported initiatives aimed at strengthening international peace and security, including that concerning the application of the principle of non-use of force in international relations.

The positive changes in international life, however, do not invalidate the necessity for continued efforts but, on the contrary, make it possible and necessary for us to move ahead on the basis of the results already achieved.

In the general debate frequent reference was made to the need established in the Final Act of the Helsinki Conference to extend the process of détente to other continents besides Europe, to follow up political détente with appropriate steps and measures in the military field, and in general to make détente irreversible. Indeed, these goals have not yet been achieved. To achieve them is an outstanding task, and the situation now is more propitious than ever before for its accomplishment. This is true also of the principle of the non-use of force, which, owing to the efforts of the progressive and peace-loving forces, is embodied in a number of important international instruments and United Nations resolutions. All these instruments are important contributions to strengthening the principle of the non-use of force and to clarifying the possibilities for its application. In this context, I should like to stress in particular the significance of the definition of aggression.

Realistic possibilities now exist of taking another step forward and exerting serious efforts for the elaboration of a world treaty eliminating the use of force from international relations. At the same time, it is not only possible but also necessary to take resolute steps to resolve this issue. While the use of force has always brought destruction and suffering, a qualitatively new stage has been reached with the advent of weapons of mass destruction, and it now entails the risk of annihilating the whole of mankind. Never for a moment must we lose sight of the fact that we live in the age of the nuclear weapon. So long as we fail to eliminate the use of force from international relations the possibility will remain for even limited and local conflicts fought with conventional weapons

(Mr. Hollai, Hungary)

to escalate into a nuclear war. But, nuclear weapons apart, the destructive force of even conventional weapons has increased to such an extent that their use is likely to cause much greater damage than ever before. In terms of human life and property alike. All this counsels us to meet the imperative need, now greater than ever, to prevent their use. Banning the use of force in international relations would considerably facilitate the attainment of this goal. Giving force of law to this principle and embodying it in a world treaty would also be a highly effective step from the point of view of increasing confidence among States and would create even more favourable conditions for taking action to curb the arms race and reverse its course.

At the same time, the proposed treaty does not question the right of peoples to fight in self-defence, for the elimination of the consequences of aggression and for their freedom and independence in the case of colonial countries and peoples -- rights which are recognized in many important international documents.

We are aware that the practical preparation of a treaty of such importance needs great foresight, care, attention and, necessarily, time. But the most important thing of all is for Member States to have the political will to implement in practice the principle of the non-use of force. We therefore believe that what is needed in the first place is to have a political discussion to see if such a will exists; the legal aspects of it could be studied and clarified afterwards.

Everything considered, we find that the draft resolution submitted by the Soviet Union in document A/C.1/31/L.3 pursues realistic objectives and allows Governments sufficient time to study the question thoroughly and make their observations and suggestions. Those observations and suggestions will permit us to take a concrete decision during the next session of the General Assembly as to the most suitable way and form in which to draft the final version of the proposed treaty.

On the basis of the foregoing, the Hungarian delegation will vote for the draft resolution and expresses its hope that the other delegations will do likewise. In the meantime, I should like to announce that Hungary wishes to become a sponsor of the draft resolution in document A/C.1/31/L.3.

The CHAIRMAN: It is noted that Hungary wishes to become a sponsor of the draft resolution (A/C.1/31/L.3).

Mr. BOYA (Benin) (interpretation from French): As this is the first time that my delegation has spoken in this Committee since the beginning of our work, I wish to extend to you, Mr. Chairman, and the other officers of the Committee the warm congratulations of the delegation of the People's Republic of Benin on your well-deserved election. My delegation is convinced, Sir, that under your impartial leadership our Committee will perform useful work in its objective examination of the items referred to it, because your outstanding qualities as an able and experienced diplomat are a sure guarantee of the success of our work.

My delegation fully appreciates the crucial importance of the item now under discussion. The non-use of force in international relations is a fundamental principle dear to our Organization. It is its basic philosophy, the very raison d'être of our Organization. The maintenance of international peace and security is the noble ideal and principle clearly affirmed throughout the Charter, to which more than 145 independent countries of the world today subscribe. All of the organs of the United Nations and the specialized agencies are expected, each in its own particular field, to strive to safeguard international peace and security so that mankind may no longer have to suffer the indescribable consequences of wars such as the two World Wars of modern times. My country, the People's Republic of Benin, will always associate itself with any individual or collective initiative designed to eliminate the true sources of conflict and to maintain in the face of all difficulties, international peace and security.



(Mr. Boya, Benin)

That is why the People's Republic of Benin welcomes the initiative of the Soviet Union concerning the conclusion of a world treaty on the non-use of force in international relations, because this proposal is clearly and without any doubt aimed at strengthening peace and seeking collective security, which is the constant concern of those who cherish peace and justice.

Unfortunately, this constant concern of the peoples which love peace and justice is not shared by some of those who themselves subscribe to the Charter of our Organization. Those really responsible for repeated and continually renewed aggression throughout the world, those really responsible for all the criminal acts of war of which the defenceless peoples of the third world are the victims, those really responsible for all the injustices imposed on an overwhelming majority of mankind, those really responsible for the unhappy situations in which peace is breached and peace and collective security are gravely threatened, those really responsible are neither more nor less than the imperialist Powers. It is international imperialism which sows the seeds of death and desolation and causes inhuman suffering throughout the world. It is imperialism which for over 30 years has imposed indescribable sufferings on the Vietnamese people. It is imperialism, represented by the States members of the North Atlantic Treaty Organization (NATO), which is daily plotting to impose the maintenance of the status quo, political oppression and economic exploitation in southern Africa: in Azania, Namibia, and Zimbabwe. It is imperialism which provides the most sophisticated engines of death to the racist, fascist and minority régime of South Africa. It is imperialism which sows the seeds of death in Korea and prevents that peaceful people from reuniting freely and without foreign interference. It is imperialism which is the principal party responsible and the primary source of all the tensions existing today in the world. It is imperialism which puts in greater danger every day collective peace and security. Thus it is international imperialism, the principal fomenter of war, which must be the first to commit itself to compliance with the principles of the United Nations. The small countries, such as Benin, which form the overwhelming majority in this Assembly, cannot logically or directly assume the great responsibility of threatening international peace and security, and the reason for this is readily understandable: those countries do not have the potential and logistic means which would enable them to play that diabolical game.

(Mr. Boya, Benin)

The initiative taken by the Soviet Union is also welcome because today we are witnessing a feverish race in weapons of all types, particularly atomic weapons. The circuits for selling and proliferating conventional weapons have been perfected. In the case of the atomic weapon, its proliferation throughout the world is a cause of concern to the small countries and to those which do not have the diabolical means of maintaining the balance of terror with which we unfortunately have to live.

In these circumstances, the draft treaty on the non-use of force in international relations, which would institute a situation of limited détente, is vital for the peoples of the world, who quite rightly believe that the nuclear Powers bear a heavy responsibility for the maintenance of international peace and security.

My delegation therefore considers that the conclusion of a treaty on the non-use of force in international relations will contribute greatly to the strengthening of peace and security throughout the world.

However, in the opinion of my delegation, it would be an illusion to subscribe irrevocably to the principle of the non-use of force in international relations without certain conditions first being met. In our opinion, for this principle to be viable everywhere in the world -- in Africa, Latin America, Asia and the Middle East -- colonialism in all its forms must be eradicated and all peoples subjected to foreign domination and waging a legitimate armed struggle for their freedom must become completely independent. International justice must be properly applied everywhere and at all levels. The imperialist Powers must renounce their characteristic desire to dominate. Indeed, for the People's Republic of Benin the draft treaty on the non-use of force in international relations could not imply the reopening of the question of the principle of the legitimacy of the armed struggle, recognized by our Organization, for the peoples fighting throughout the world for their national independence. As long as all those peoples are not totally liberated, the non-use of force in international relations may well be a hollow phrase. The people of Benin sincerely desire peace, and that is why my country, the People's Republic of Benin, will spare no effort to make its contribution to this tremendous work for peace.

The CHAIRMAN: I thank the representative of Benin for the kind words he addressed to me personally.

Mr. JANKOWITSCH (Austria): Today our Committee, and through it the General Assembly, is called upon to discuss the question of the non-use of force.

As on many previous occasions, Austria has no hesitation in putting forward its views on this matter. This should be a clear demonstration of the fact that my country has always attached the greatest significance to the obligation of States to refrain in their international relations from the threat or use of force. Indeed, as a country that by its own free will chose the status of permanent neutrality, Austria is particularly receptive to this idea as well as to its effective implementation.

The concept of renouncing force is embodied in all the great religious and philosophical schools of thought in history, be they of Christian, Islamic, Buddhist, Hinduist or any other inspiration. But a long and painful succession of wars and international acts of violence of all kinds had to pass before the idea of an international legal obligation not to use force in relations between nations began to achieve some measure of universal recognition. The Covenant of the League of Nations was the first, albeit rudimentary, reflection of this idea, which later was further elaborated in the famous Brian-Kellogg Pact. In Article 1 of this instrument, the High Contracting Parties solemnly condemned recourse to war for the settlement of international controversies and renounced it as an instrument of national policy in their relations with one another.

(Mr. Jankowitsch, Austria)

Article 2 of the Briand-Kellogg Pact, however, is equally significant in this context, inasmuch as it connects in unequivocal terms the condemnation of war with the obligation of all parties to find peaceful solutions to all disputes or conflicts, of whatever nature or of whatever origin, which may arise among them.

I should like to mention in this context that Austria, which joined the League of Nations in 1920, frequently used that forum to speak out in favour of the idea of the non-use of force, especially when it accepted the 1924 Geneva Protocol on the Peaceful Settlement of Disputes and when it voted in favour of the model joint treaty on mutual assistance which was at that time before the League.

Out of the universal catastrophe of the Second World War the idea of the non-use of force emerged in stronger terms than ever before. The Charter of the United Nations in its Article 2 contains the firm obligation of all Members to

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

Again this obligation is accompanied by the equally firm commitment to settle international disputes by peaceful means in such a manner that international peace and security, as well as justice, are not impaired.

This brief historical outline would be incomplete without mention of the fact that the principle of the non-use of force has in recent years been adopted --- creatively, I would say --- by a number of States in order to establish new, more stable and more constructive relationships among them. Perhaps the outstanding example that comes to mind in this context is provided by the successful efforts of the Federal Republic of Germany and its neighbours in Eastern Europe, the USSR and Poland above all, to adopt this principle to serve as the basis of their future relations. The award of the Nobel Peace Prize in 1971 to an eminent German statesman, Willy Brandt, is a sign that the international significance of this fact was duly and opportunely recognized for there is no doubt that a whole new era in the post-war history of Europe was thus opened, making détente a reality for the first time.

(Mr. Jankowitsch, Austria)

Finally -- and I should like to revert to this aspect later on -- the Conference on Security and Co-operation in Europe again reaffirmed the validity of this principle. In its Final Act it lists the principle of refraining from the threat or use of force as one of the principles guiding the relations between participating States.

In discussing the idea of the non-use of force in international relations, I believe that a number of the ideas put forward by the President of Austria, Mr. Kirchsclaeger, then Minister for Foreign Affairs, at the Fifteenth International Diplomatic Seminar, held in Klesheim Castle in 1972, remain of some relevance. In his discourse at that time President Kirschlaeger said that "abstaining from resort to force" in international relations means that a State or a community of States henceforth and once and for all renounces the use of force in seeking a presumed right or in defending the national interests or the so-called national interests, and also renounces the use of force in imposing, defending or propagating any ideology.

Renouncing the use of force also involves renouncing resort to the threat of force. Since the actions of States are not always in harmony with Cartesian logic, it is necessary continuously to speak of both the renunciation of force and the renunciation of the threat of force at the same time.

Thus Article 2 (4) of the United Nations Charter -- which, by the way, must be regarded as a norm of general international law legally binding upon all States -- places the prohibition of the use of force and the prohibition of the threat of force on an equal footing. At the same time, that provision of the Charter leaves no doubt that the Charter does not prohibit the use of force in absolute terms. It applies only to international relations; it applies only when the resort to force or the threat of force is directed against the territorial integrity or the political independence of a State; and, finally, it applies solely when the resort to force is inconsistent with the purposes of the United Nations. Thus the prohibition of the resort to force does not impair the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter and it is certainly not valid in the case of sanctions decided upon by the Security Council.

(Mr. Jankowitsch, Austria)

The General Assembly, in adopting at its twenty-fifth session six years ago, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, not only reconfirmed the legally binding nature of Article 2 of the Charter but also acknowledged the fact that international law at its present stage does not recognize any absolute prohibition of the resort to force. Thus the part of the aforementioned Declaration that deals at some length with the principle of the non-use of force also indicates in conclusion the following:

"Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful."

(General Assembly resolution 2625 (XXV), annex 1)

This relativity of the renunciation of force should not, however, make us lose all hopes for peace but, on the contrary, should encourage us to strive for an improved system of international relations, a system in which ultimately an absolute prohibition of all forms of force and unlawful pressure might become feasible.

These considerations, which come, as I said earlier, from the President of Austria himself, lead me to another aspect of the principle of the non-use of force which is and has always been of paramount importance to my country: if States pledge themselves to refrain from the use of force and if this pledge is to be truly meaningful, they must have other means at their disposal in order to solve in a peaceful manner any disputes that may arise. Thus, very rightly, all the international instruments to which I have referred and which deal with the renunciation of force also contain the obligation to settle disputes in a peaceful manner. Furthermore, most of these instruments also provide some sort of machinery for this matter. Indeed, this seems to us to be the only possible way further to develop and strengthen the universally acclaimed principle of the non-use of force. Now the international community already disposes of a variety of means for the peaceful solution of conflicts.

Article 33 of the Charter lists no less than seven different approaches which States are called upon to use in order to resolve their disputes. What really seems to be indispensable at this juncture is that States should make effective use of those means and at the same time find the necessary imagination

(Mr. Jankowitsch, Austria)

to elaborate further the existing tools for peaceful settlement of disputes or even develop new ones.

In this context, Mr. Chairman, allow me to quote two short passages from a lecture in honour of the late illustrious Brazilian jurist, diplomat and poet, Gilberto Amado, delivered in June 1975 by your eminent compatriot, the then President of the International Court of Justice, Mr. Lachs:

"The essential issue which we face, or I would rather say the basic premise which we must accept, is that there is a peaceful solution for every problem, a proper remedy for each and every disagreement -- whatever its character -- facing States in international relations."

(Mr. Jankowitsch, Austria)

Later on in his lecture entitled "The law and the peaceful settlement of disputes", Judge Lachs concluded his remarks on the following optimistic note:

"There is no need to despair. Though the world is teeming with disputes and disagreements dividing States, we do have the means to resolve them. The new forums for international discussion facilitate them and provide not only a sounding-board, as is often said, but also, for those who are aware of their genuine self-interest, an unsurpassed and ready-to-hand medium for the absorption of the shock-waves of inter-State disputes. We can see that in practice our new possibilities have emerged in addition to the traditional resources. Thus the catalogue of means available has been considerably enriched. The choice open to States is greater than ever before. The essence of the problem is that States should agree in general, or in specific cases, to resort to them and should choose the most effective and satisfying method or methods."

In summing up, let me reiterate that the obligation not to resort to the use of force or the threat of force has to be complemented by an adequate machinery for the peaceful solution of conflicts. Furthermore, the significance of the prohibition of the use of force cannot reside in a sort of fictitious peace simply reflecting the status quo. Therefore, one fundamental prerequisite for averting armed conflicts is the availability of agreed rules for "peaceful change", or, to use the words of the Charter, for the peaceful adjustment of any situation, likely to impair the general welfare or friendly relations among nations, on the one hand, and the preparedness of States to make use of this possibility, on the other.

When reaffirming the principle of renunciation of force, we must also take into account the security needs of each State and each people, because the safeguarding of its national security is the central aim of each country's national policy. In his study of the concept of international security in the Charter of the United Nations, Stephan Verosta, Professor of International Law and Relations at the University of Vienna, very clearly



(Mr. Jankowitsch, Austria)

expressed the idea that objective security can only be guaranteed if the United Nations and the Security Council in particular ensure that the political balance in each region of the world and throughout the world is maintained.

Furthermore, the application of the principle of the non-use of force can be credible only if it is accompanied by tangible and effective disarmament measures which take into account the balance of power and thus do not jeopardize the security of any State.

As the representative of a country situated in the centre of Europe, I feel obliged, when dealing with the subject now under discussion, to refer once more to the Conference on Security and Co-operation in Europe, whose Final Act contains a carefully worded definition of the principle of refraining from the threat or use of force. In particular, the relevant part of the Final Act of the Helsinki Conference contains the following sentences which we consider to be of the utmost importance:

"The participating States will refrain from any acts constituting a threat of force or direct or indirect use of force against another participating State. Likewise they will refrain from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights. Likewise they will also refrain in their mutual relations from any act of reprisal by force.

"No such threat or use of force will be employed as a means of settling disputes, or questions likely to give rise to disputes, between them."

With the Committee's permission, I should also like to dwell on another aspect of the Final Act of the Conference on Security and Co-operation in Europe which is undoubtedly of equal significance for any further elaboration of the principle of the non-use of force. In its Declaration on Principles Guiding Relations between Participating States, the Final Act not only deals with the notion of the non-use of force but also puts that principle on an equal footing with nine other principles, namely: sovereign equality and

(Mr. Jankowitsch, Austria)

respect for the rights inherent in sovereignty; inviolability of frontiers; territorial integrity of States; peaceful settlement of disputes; non-intervention in internal affairs; respect for human rights and fundamental freedoms; equal rights and self-determination of people; co-operation among States; and, finally, fulfilment in good faith of obligations under international law.

According to the text of the Final Act, each one of those 10 principles is of primary significance; therefore they have to be equally and unreservedly applied, the interpretation of each taking the others into account.

Thus the Final Act of the Conference on Security and Co-operation in Europe demonstrates once again that the principle of the non-use of force has only limited value if it is not complemented by other principles of equal importance and first of all by the principle of the peaceful settlement of disputes.

Our satisfaction with the positive conclusion of the Helsinki Conference, as well as our confidence that the effective application of all principles enshrined in its Final Act will lead to a further favourable development of relations among the States which participated in that Conference, should of course not be regarded as a sign of indifference or insensibility to the many problems and struggles that beset other continents. We are indeed well aware of the global interdependence that affects all aspects of international politics.

The Federal Chancellor of Austria, Bruno Kreisky, referred to that aspect of the current process of relaxation of tension in Europe in his statement at the conclusion of the Helsinki Conference in the following terms:

"In today's world, space and time seem to be less relevant than ever before. This also applies to the life of the peoples and thus to world policy in general. Therefore, there can be no theatres of war which would leave Europe apart and there can be no centres of tension which would not affect Europe. The policy of détente has thus come to be indivisible."

(Mr. Jankowitsch, Austria)

Let us therefore express our sincere wish that the principles of international détente agreed upon in the course of the Conference on Security and Co-operation in Europe will not remain restricted to the European continent but will be applied on a global basis, thus leading to a situation in which every State may enjoy the benefits resulting from a general enhancement of international security. And I hope, further, that our discussions here in this Committee constitute a step in that direction.

In conclusion, perhaps I could do no better than quote a short passage of the statement that Willy Brandt, whom I mentioned earlier, delivered during the twenty-eighth session of the General Assembly. After dealing at some length with the importance that the principle of the non-use of force had assumed in the bilateral agreements between his country and its Eastern European neighbours, Chancellor Brandt outlined his vision of the ever-increasing importance of that principle in multilateral relations and then concluded that part of his statement with the following words -- to which I have nothing to add:

(Mr. Jankowitsch, Austria)

"It is not only a question of giving Europe an opportunity. It is a question of giving the world an opportunity to create conditions which will permit us to turn our attention, and to devote our national energies, to the massive problems of tomorrow. If I may pose the question: if the world does not succeed in quelling force and violence and effectively proscribing it, how will it then be capable of resolving the problems of peace which -- free and remote from force -- will demand the employment of all our energies?"

Mr. HUANG (China) (interpretation from Chinese): As is expected, the Soviet delegation, which is used to putting forward every year in the United Nations forum sham disarmament and sham detente proposals of one description or another to achieve demagogic effects, has sanctimoniously produced this year a "new proposal" on the so-called "Conclusion of a world treaty on the non-use of force in international relations". In order to peddle its so-called "new proposal", this super-Power has set in motion all its propaganda machines to extol the proposal to the skies. And Mr. Gromyko personally came on the stage with a heap of empty promises, saying that the conclusion of this treaty would be "a major step" towards "eliminating completely the threat of war and aggression" and that "the treaty would offer new and more reliable guarantees of security to all peoples, big and small", as if once this piece of paper produced by the Soviet delegation is signed, tranquillity would prevail in the world, the people of the world could then sleep peacefully with no more worries about the "threat of war and aggression". These are nothing but sheer lies. As pointed out in the statement of the Chinese delegation at the meeting of the General Committee, this proposal is nothing new and, like the item entitled "Non-use of force in international relations and permanent prohibition of the use of nuclear weapons" proposed by the Soviet delegation at the twenty-seventh session of the General Assembly, it is another sheer fraud and shop-worn trash designed to dupe the people of the world.

Are there any grounds for this argument of ours, and does it conform to the objective reality? Yes, there are ample grounds for it, and it fully conforms to the reality.

(Mr. Huang, China)

Since the topic is the "non-use of force", one may first of all ask: What is the root cause of war and the use of force, and who in the present world are resorting to the use or threat of force, particularly nuclear threat, in international relations? Are they not the two super-Powers? As Chairman Mao Tsetung pointed out, in an era when classes exist, war is a phenomenon between two periods of peace. The content of imperialist politics is world domination, and the continuation of these politics is imperialist war. At present the United States has vested interests to protect around the world, and the Soviet Union seeks expansion. This state of affairs is unalterable. The rivalry between them extends to all parts of the globe. Wherever there is rivalry between them, there are wars and conflicts. In this world-wide rivalry, Soviet expansionist activities are all-pervasive. A Soviet leader has openly declared that there is no corner of the earth that is not taken into account by the Soviet Union. In fact, far beyond taking into account every corner of the earth, it is practising every day and everywhere infiltration, interference, subversion and aggression against other countries. The facts prove that as long as there exist imperialism, colonialism and super-Power hegemonism, war between the super-Powers, their aggression and expansion against other countries and the struggle of the peoples of the world against them are inevitable. The facts likewise prove that Soviet social-imperialism is the most dangerous source of war today.

Since the Soviet Union became social-imperialist, it has never ceased resorting to the use or threat of force for aggression and expansion abroad. It is this super-Power which boasts about the solution of disputes among States "at the conference table by peaceful means" that started an armed invasion of one of its neighbours by the despicable means of surprise attack in 1968 after it had just promised never to resort to military action against its neighbour, and it is this very super-Power that is still placing the said neighbour under its military occupation. In 1971 it flagrantly engineered the armed attack on and the dismemberment of a sovereign State in South Asia and thrice vetoed the adoption of a cease-fire resolution by the Security Council, and yet subsequently it came to the United Nations to preach unabashedly the so-called "non-use of force in international relations and the permanent prohibition of the use of nuclear weapons". In 1975 shortly after the

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conclusion of the European Security Conference, it even organized mercenaries to cross the ocean for a large-scale armed intervention against an African country that was fighting for its national independence. Today it is still forcibly occupying the four northern islands of Japan and refusing to return them. Over the years, it has subjected a series of third-world countries to intervention and control in the name of providing military assistance; it has been making a show of force everywhere in wanton pursuance of the gunboat policy, seizing overt and covert military bases and even subverting the lawful Governments of other countries in gross interference in their internal affairs.

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There are too many instances to be enumerated in this respect. Since the European Security Conference, it has greatly strengthened the deployment of military offensives against Western Europe and, moreover, has incessantly tightened its strategic encirclement from the northern and southern flanks. Its naval fleets are plying all the oceans of the world, parading their hardware and revealing all their atrocious features. It is this very super-Power committing aggression and expansion everywhere that comes to the United Nations year in and year out to talk profusely about "détente", "disarmament" and the "non-use of force". What a striking irony.

The "new proposal" by the Soviet Union has totally evaded the fundamental issue of the root cause for aggression and war in the present world. While prattling about the so-called "non-use of force or threat of force in international relations in general", it does not dare, and is not willing, to touch on the basic question of opposing the policies of aggression and expansion on the part of imperialism and hegemonism. While talking about "refraining from the use of armed force involving any types of weapons, including nuclear or other types of weapons of mass destruction, on land, on the sea, in the air or outer space" and "not threatening with such use", it simply does not dare to undertake the obligation not to be the first to use nuclear weapons, still less touch on the complete prohibition and thorough destruction of nuclear weapons. What is more, Mr. Gromyko and other Soviet representatives have dwelt excessively in their speeches on the nuclear terror. In his letter to introduce the new proposal, he said that "with the emergence of nuclear weapons the danger of local conflicts developing into world nuclear war, with all the disastrous consequences for mankind ensuing therefrom, has immeasurably increased". (A/31/243, p.2) What super-Power possessing large quantities of nuclear weapons is dwelling on this point so unweariedly, is it not evident that it is engaged in nuclear threat and nuclear blackmail against the numerous third-world countries and all the non-nuclear countries? The reality today is that the super-Powers which are armed to the teeth are subjecting the numerous small and medium-sized countries to unbridled nuclear threat and nuclear blackmail and all forms of threat of force, whereas the numerous small and medium-sized

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countries are seriously inadequate in their defence capabilities. To equate the super-Powers with the numerous small and medium-sized countries is not only a deliberate distortion of the reality in international relations but an attempt to bind hand and foot, the countries subjected to aggression and threats, leaving them at the tender mercies of the super-Powers.

In the United Nations forum Mr. Gromyko even blamed some States in the adjacent area which have been under direct Soviet military threat for strengthening their self-defensive arms and he accused them of creating tension by stepping up military preparations and even issued blatant threats against them.

The Soviet representatives said at one time that weapons of all types must be prohibited and at another time that the treaty must "in no way prejudice the legitimacy of the struggle of colonial peoples for their freedom and independence"; they said in one place that "the legitimate right to rebuff aggression" should not be restricted, but in another place that "no consideration may be adduced to justify resort to the threat or use of force". Such an utter confusion and self-contradiction in logic on their part fully reveal their dilemma, in which they want to prettify themselves in order to cover up their ferocious features while pursuing the policies of aggression and expansion to strangle the resistance of the world's people. Furthermore, the Soviet representative mentions that "nothing in this Treaty shall affect the rights and obligations of States under treaties and agreements concluded by them earlier". Is this not an even more brazen attempt to ask all countries to recognize the legal status of military blocs and to recognize by international treaties Brezhnev's "theory of limited sovereignty" and the American counterpart of Sonnenfeldt doctrine? As pointed out by the representatives of some third-world countries, this clause would precisely give the super-Powers a basis for resorting to the use of force within their military blocs. In a word, it means that the aggression by the super-Powers is justified, that it is their bounden "rights and obligations" to commit aggression against other countries by resorting to the use or threat of force, that the resistance by other countries would "develop into world nuclear war" which would mean "to build man's future on radio-active ashes", and that people must fall on their knees and submit



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docilely to super-Power aggression. Such is the real meaning of the new proposal of social-imperialism. No matter how they may patch up or embellish the draft treaty, they cannot alter its most reactionary essence.

As a matter of fact, it can be seen from the deeds of the Soviet authorities that even they themselves never believe in such deceptive twaddle. Why, then, is it necessary to bring it up for wide publicity? The secret lies in their own political needs. Since the XXVth Congress of the Communist Party of the Soviet Union, the new tsars have intensified their preparation for a new world war and their rivalry for world hegemony. Their aim is no longer the maintenance of a balance of force with the other super-Power but the desperate quest for superiority in strategic and military strength. To this end, they have to concoct a "new" fraud in order to cover up the true state of affairs. Historical experience tells us that the pacifism of imperialism is never a tool for peace but a tool for preparing war, a tool for covering up war by hypocritical words of peace and that, before the frantic preparation for new acts of aggression, the aggressors invariably sing a lot of lullabies of "peace" and "disarmament", assuming a posture of pure innocence. The same was true of the fascist chieftain Adolf Hitler. Similar tactics are being employed by the chieftains of Soviet social-imperialism.

(Mr. Huang, China)

Nevertheless, like all reactionaries, they always overestimate their own capabilities of deceiving others and underestimate the political consciousness of the people. During the general debate at the current session, this new proposal received scanty response, whereas the representatives of the great majority were fed up with it. During the debate in the First Committee, many representatives had exposed and criticized it. People know that what is lacking in the present world is not hallow resolutions and provisions on paper, but actual deeds. If the Soviet authorities genuinely stand for the non-use of force, why do they not do one or two things in earnest as an indication of their sincerity, such as to withdraw their occupation troops and military bases from other countries, return the territories they occupy, stop their control, subversion, threat and intervention against other countries, and so forth? They are certainly unwilling to do these things, nor will they ever possibly do so, because the nature of imperialism will never change. This renders their hypocritical words totally worthless in people's mind.

The Chinese Government has always stood for mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence in international relations. To this end it is imperative to oppose resolutely the super-Power policies of aggression, expansion and war and wage a tit-for-tat struggle against them. We are determined to join the people of other countries in a common effort to oppose the super-Powers' aggression and expansion and their arms expansion and war preparations and to expose the fraud of sham peace and sham disarmament concocted by social-imperialism. It goes without saying that the Chinese delegation has to expose and firmly oppose this new fraud produced by the Soviet representative.

Mr. BOATEN (Ghana): My delegation has studied with a great deal of interest the draft treaty on the non-use of force in international relations submitted by the Soviet delegation, as well as the statement made by that delegation in introducing the draft. In the view of my delegation the draft does not break new ground; neither does it represent a new initiative. In

(Mr. Boateng, Ghana)

saying that, I do not wish to be understood as implying that the action of the Soviet delegation is worthless. My statement should be understood in the context of past efforts to keep the world a safe planet for all.

In 1945, some 50 nations, after long and serious consideration and negotiations, signed the Charter of the United Nations. The preamble to that Charter stated clearly:

"We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, ..."

It was not my intention to bore the Committee by quoting something well known to every member. If I quoted from the preamble at length, it was for the reason that at every anniversary of this Organization we are reminded of these objectives; it was because to the greater part of our generation the suffering and devastation of the two world wars remain legends of heroic exploits told, as it were, by the ancient mariner to the admiration rather than the horror and trepidation of his grandchildren and great grandchildren. It is a regrettable attribute of human nature that after a tragic event, distressing circumstances become entertaining episodes for the humorist and the clown.

It is because of this that my delegation does not see the Soviet draft as superfluous and unnecessary. If the purposes of the Charter had been universally adhered to, my delegation's attitude to the Soviet draft treaty on the non-use of force in international relations would perhaps have been different.

There are yet other reasons why my delegation sees a great deal of merit in the initiative of the Soviet delegation. Article 24 of the Charter charges the Security Council with primary responsibility for international peace and security.

(Mr. Boateng, Ghana)

That Article 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, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf ...".

I should like members of the Committee to ponder a while on the phrase "acts on their behalf". Having regard to the Security Council's record, can we genuinely maintain that the Council has always fulfilled its obligations to this Organization? The record of the Council, particularly of those on whom special responsibility has been placed, does not, understandably, engender that trust and confidence which Article 24 of the Charter envisaged would be the corner-stone of international peace and security. In place of responsibility we often see a privileged exercise to uphold and sustain self-interest, thus undermining the very purpose and objectives of the Charter. Three times within a period of three years the veto has been employed to frustrate the wishes of a majority of this Organization, and in flagrant contradiction to the objectives and purposes of the Charter. Three times this Organization has seen its trust betrayed by those whom we, under the Charter, entrusted with the primary responsibility of upholding the principle we considered in 1945 to be essential to human survival.

It is for that reason that my delegation shares the view of my colleague Ambassador Jaipal of India that it is significant that the draft treaty on the non-use of force in international relations has been initiated by one of the permanent members of the Security Council, whom we all look up to for the maintenance of international security. Further, the draft treaty, in the view of my delegation, makes one admission -- namely, that the permanent members of the Security Council are no longer able, as is demonstrated by their record, to discharge their responsibility of maintaining world peace and security within the prevailing circumstances. The draft treaty does something else: it makes it plain that original responsibility for international peace and security rests with the membership of the United Nations as a whole and urges us to assume that responsibility. In the view of my delegation we would be failing the international community if we failed to assume that responsibility.

(Mr. Boateng, Ghana)

We live in an epoch of inconsistencies in our international life. While we talk of détente we pursue policies which can only lead to confrontation; while we talk about arms control, we are busy negotiating arms sales around the world; while we talk about disarmament, our military budgets increase from year to year. Such are the realities of our times.

In the view of my delegation, however, the use of force should be seen in a wider context than armed aggression. In some parts of the world human beings are still subjected to indignities which defy all human decency. Brutal force is employed to maintain a political system which denies elementary human rights to a section of the population of the same State on grounds of its colour. Any treaty on the non-use of force in international relations would be failing in its objectives if it failed to be comprehensive in its definition of force.

A treaty prohibiting the use of force in international relations should be welcome to all countries that, like my own, are comparatively weak militarily. The past record of the world, however, does not induce in us any sense of security merely because of the existence of such a treaty. After the First World War, the League of Nations came into being. Its objective was by and large similar to that of our Organization -- namely, to safeguard international security within a system of collective security. We are all familiar with the fate of that organization, and it does not need restating here. We cannot however, forget that in 1935, when Ethiopia was attacked without provocation by the fascist régime of Mussolini, reasons were found by those countries which had the capacity to stop the aggression to repudiate their international obligations under the Covenant of the League. It should be obvious, therefore, that no treaty will be worth the paper on which it is written if contracting parties fail to honour their obligations under it. It is for this reason that my delegation is of the opinion that any international treaty on the non-use of force should have enforcement provisions embodied in it. Such provisions should be clear and unambiguous and should constitute an irrevocable obligation for all contracting parties.

In the view of my delegation the draft treaty submitted by the Soviet delegation for consideration should present no difficulties in principle to any delegation. However, as is implicitly admitted in operative paragraph 1 of

(Mr. Boatman, Ghana)

the accompanying draft resolution, my Government needs time to consider it, as, we believe, do other Governments. My Government intends to study the draft treaty and make its views on it available to the Secretary-General as required by operative paragraph 2 of the accompanying draft resolution.

Mr. GAUCI (Malta): At the outset, I ask you, Mr. Chairman, and the other officers of the Committee to accept my sincere congratulations on your election.

At the European Security Conference my delegation, together with those of several of the smaller European countries, exerted considerable efforts to try to obtain, as a separate document, a declaration spelling out the details of the principle of the non-use of force. At that time -- and that was as recently as 18 months ago -- I must say quite candidly the attempt did not capture the enthusiastic co-operation of the major Powers. It is therefore with great interest that we view the initiative of the Soviet Union, if it genuinely represents a progressive evolution in thinking on the imperatives of peace. The initiative may in fact be considered as arising from one of the commitments undertaken by the participants at the European Security Conference, since, in a Declaration entitled "Matters Related to Giving Effect to Certain of the Above Principles" -- that is, the 10 principles enunciated by the participating States -- the first operative paragraph declared the resolve of the participating States "to give effect and expression, in all the ways and forms they considered appropriate, to the duty to refrain from the threat or use of force in their relations with one another".

There is, of course, more than one way of giving effect and expression to a principle, and some have much greater responsibilities and capabilities

(Mr. Gauri, Malta)

of doing so than others. The principle itself is universal, and I think we can all subscribe to it. Consequently the objective itself should not divide us. We all know, however, that the reality is somewhat different from the theory. Conflict, if not declared war, has been rampant in the past, and the effects of aggression still prevail.

There is no doubt that our efforts to promote peace with freedom, dignity and justice need a new impetus. The question that faces us, therefore, is not one of principle but rather one of modalities and priorities in a matter of fundamental importance. How best can we do justice to the effective attainment of our objective, which so far has eluded us? Is it better to spell out further what is meant by the non-use of force, or would such an exercise be time-consumingly counter-productive? Could we more quickly and efficiently achieve the same end by strengthening the provisions of existing international instruments already agreed upon? Would it not be preferable to give priority to certain tangible measures of arms reduction which may be ripe for implementation?

(Mr. Gauci, Malta)

If it will be possible in future to agree on a provision not to use force in general, why is it not possible right now, at least for nuclear-weapon States, to insert a provision in the Non-Proliferation Treaty prohibiting the use of nuclear weapons against those countries not possessing them, and to respect in full nuclear-weapon-free zones?

Several other questions immediately come to mind. Many have in fact been raised in our discussion so far. But, as I said, I do not propose to enter into the substance of the matter. It is evident that the draft proposed by the Soviet Union has some deficiencies -- amongst them, for instance, a failure to stress derivative principles such as those of non-interference in the internal affairs of States, self-determination of peoples, and so on.

I think, however, it is equally evident that the question is an important one, requiring careful consideration. Because of its universal appeal and proposed applicability, all shades of considered opinion should first be consulted. It would, in my view, be somewhat unfortunate if we were to be divided in this Committee by what may be considered somewhat controversial language in a largely procedural resolution.

It would seem more appropriate for us, therefore, to have a consensus statement by the Chairman summing up the reflections of the debate, to the effect that this is a question of fundamental importance which requires very careful study by Member States, and that consequently the Secretary-General could request Member States, particularly the major Powers, to state their views on the way best calculated to give tangible expression and effect to the proposed treaty. We could pursue the matter on the basis of replies received at the next session, also taking into account, of course, proposals and suggestions already presented at this session.



The CHAIRMAN: As to the opinion of the representative of Malta concerning how we should proceed with the draft resolution, that is up to the sponsors, in the first instance, and then the Committee to decide.

I now call on the representative of the United States, who has requested to exercise his right of reply.

Mr. PETREE (United States of America): I speak in response to the statement made this morning by the Cuban representative. I will not go into detail as to all the inaccuracies in that statement, but I do wish to set the record straight concerning two of the more outrageous charges against the United States.

It is absolutely untrue that the United States or any of its agencies is doing anything to undermine or destabilize the Governments of Barbados, Guyana or Jamaica. The United States respects the sovereignty of other nations and the right of other people freely to select their own political and economic systems.

As to the Cuban allegations of United States responsibility for the crash of a Cubana Airlines flight on 6 October resulting in the death of 73 persons, I wish to reaffirm that the United States was in no way involved in that tragic event. The United States deeply regrets the loss of life.

Neither the United States Government, nor any of its agencies, played any role, direct or indirect, in the crash.

United States opposition to terrorism, whatever its source, is well known and is a matter of public record. We have offered our co-operation in the investigation of the Cubana Airlines crash, and support efforts to see to it that justice is done.

One can only speculate as to the Cuban Government's true motives in bringing up charges so utterly false and mendacious. At a minimum, the airing of such blatant falsehoods by the Cuban Government indicates its lack of respect for the dignity of this body.

The CHAIRMAN: I call on the representative of Cuba who wishes to speak in exercise of the right of reply.

Mrs. BOHDANSKY (Cuba) (interpretation from Spanish): After the words of the representative of the United States, all I can say is that experience has proved all too often the falsity of that defence and the veracity of those allegations. In the statement made by my Prime Minister at the burial of the victims of the criminal sabotage against the Cubana Airlines flight, he has provided irrefutable proof of the fact that this tragic incident had been prepared and allowed to pass by the CIA, with the sponsorship of the Government of the United States. I leave the truth to be proved by life itself, which, as in the past, will again bear out this charge.

I can therefore only repeat the words of my Prime Minister uttered at the end of the burial ceremony: "When a virile people weeps, justice trembles."

The meeting rose at 5.20 p.m.