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Chairman: Mr. JAROSZEK (Poland)

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 124 (continued)

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

Mr. SHEVEL (Ukrainian Soviet Socialist Republic)(interpretation from Russian): Permit me first of all on behalf of our delegation warmly to congratulate you, Mr. Chairman, on your election to preside over the work of the First Committee. My congratulations go also to the other officers of the Committee. It is a special pleasure for me to express my satisfaction at your election to this important post because you are the representative of the fraternal Polish people with which we are linked by a community of historical destiny, unbreakable unity and friendship, particularly since Poland became a socialist State.

The discussion of this important and urgent question of the conclusion of a world treaty on the non-use of force in international relations, submitted by the Soviet Union for the agenda of this session, convincingly demonstrates that most delegations take a favourable view of the new Soviet proposal. It has emphasized that it concerns fundamental principle, and the political importance of the principle of the renunciation of the use of force or the threat of force in international relations.

In the course of the discussion reference has been made to the fundamental political outlines of the document which might be produced in due course in the United Nations. Such a discussion can only be welcomed. We have, of course, heard one or two statements the purport of which was the complete and utter denial of the importance of translating into a law of international life the principle of the non-use of force in international relations. Those speakers have virtually called for the continuance of the policy of confrontation and the stepping up of tension leading to an increase in the threat of war. However, such a policy has been fundamentally discredited throughout the world, and any attempts once again to impose it upon the peoples of the world are doomed to total failure.

(Mr. Shevel, Ukrainian SSR)

In the view of the Ukrainian delegation, the proposal of the Soviet Union, which flows from the foreign policy programme adopted at the Twenty-fifth Congress of the Communist Party of the Soviet Union, will without any doubt promote the creation of conditions propitious for the cessation of the arms race and for disarmament, promote the intensification and further development of the easing of tension and reduce the threat of war and armed conflicts between States.

The renunciation of the use of force is one of the most important principles laid down in the United Nations Charter. Like other Charter principles, it is being confirmed and developed in many international legal documents produced by States in connexion with the new requirements of the international situation. They include the Declaration on the Strengthening of International Security, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations, and many others.

At the same time, outside the framework of the United Nations the principle of the non-use of force has become and is becoming ever more widely recognized in international legal bilateral and multilateral documents. A provision to that effect is contained in the treaties of the USSR, Poland, the German Democratic Republic and Czechoslovakia with the Federal Republic of Germany and in the Soviet-American, Soviet-French, Soviet-British and other agreements. For example, in the Basic Principles of Relations between the Union of Soviet Socialist Republics and the United States of America, signed in Moscow on 29 May 1972, the following is stated:

"The prerequisites for maintaining and strengthening peaceful relations between the USA and the USSR are the recognition of the security interests of the parties based on the principle of equality and the renunciation of the use or threat of force." (S/10674, p. 2)

(Mr. Shevel, Ukrainian SSR)

Of particular consequence for the fate of the world and primarily for the States of the European continent is the inclusion in the Final Act of the Pan-European Conference on Security and Co-operation of a section on the non-use of force or threat of force. Such a development concerning one of the fundamental Charter principles, its confirmation in international documents, is to be explained by the wish to reduce the threat of war. This is particularly important at a time when we are witnessing the incessant improvement of nuclear weapons and conventional weapons, which, because of their murderous force, are coming ever closer to being weapons of mass destruction.

In the absence of any agreement on disarmament and in the light of the existence of so many unresolved problems and disputes between States, the confirmation of the principle of the non-use of force and the non-use of armed forces involving any types of weapons and its endowment with the force of law is assuming particular significance.

Therefore it is now proposed that we consolidate the results achieved and aim for further progress from bilateral, regional and European treaties and agreements providing for the renunciation of the use of force in international relations up to and including a world treaty.

Even the experience of the post-war period shows that it is precisely the use of force by some States against others in order to acquire the territories of others -- in other words, aggression -- that is the constant source of international upheavals. Preventing aggression by the use of any means whatsoever, including nuclear means, is the whole object of the proposal of the Soviet Union. The political will and urgent need for the conclusion of a world treaty on the non-use of force in international relations derive from the fact that in spite of so many relevant provisions in the United Nations Charter, throughout the world we are still witnessing -- and not particularly rarely -- the resort to force as a means of attaining political ends. It is precisely that which makes the conclusion of the proposed treaty an important and urgent task of the present day. Any delay in this matter might lead to catastrophic consequences which are difficult to foresee, if we take into account the destructive force of

(Mr. Shevel, Ukrainian SSR)

contemporary nuclear weapons and the means of waging war. No one can give any guarantee today that the use of armed force will not entail in the final analysis the use of nuclear weapons.

The delegation of the Ukrainian SSR would like to stress once again that according to the draft treaty it is proposed that the parties assume the obligation to refrain from the use of armed forces involving any types of weapons, including nuclear or other types of weapons of mass destruction, and to refrain from threatening to use such weapons.

The prohibition of weapons of mass destruction, including those based upon the use of atomic energy, is something which the socialist countries have firmly and consistently favoured and continue to favour in all international forums. It is precisely the threat of the use of weapons of mass destruction that is posed today, wittingly or unwittingly, by armed conflicts if nuclear Powers take part in such conflicts. It is this that makes the problem of banning the use of force so important and urgent.

It is precisely for this reason that the Soviet Union is persistently seeking ways and means of bringing about the total prohibition and elimination of nuclear weapons. When the realistic path is the stage-by-stage approach to solving the problems of nuclear disarmament and in that way eliminating the danger of nuclear war, the Soviet Union has not only expressed its readiness to undertake that approach but has even been the initiator of such an approach.

In recent years the first substantial steps have been taken towards restraining the nuclear arms race. These measures have undoubtedly had a favourable effect on improving the international climate. In particular, we have witnessed the conclusion of Treaties on the prohibition of nuclear-weapon testing in the three environments, on the Non-Proliferation of Nuclear Weapons and on the prohibition of the emplacement of nuclear and other weapons of mass destruction in outer space, on the seabed and on the ocean floor. There have also been the Soviet-United States agreements on the prohibition of nuclear war and the limitation of strategic armaments and the Soviet-French agreement on preventing the accidental or unsanctioned use of nuclear weapons.

(Mr. Shevel, Ukrainian SSR)

Nevertheless, in spite of all these concrete and positive steps, the arms race continues. The military arsenals of States are being filled with both nuclear and conventional weapons, and nuclear-weapon testing is continuing. The conclusion of a world treaty, in the view of our delegation, would provide a new incentive for negotiations on disarmament. The text of the draft treaty stresses the organic unity of the problem of the non-use of force and that of disarmament. The treaty should create a climate in the world in which the arms race and the stockpiling of weapons would lose their whole point.

Of course, a ban on the use of force in international relations is essential, but it cannot be absolute. That ban is provided for only in cases in which the use of force is not in keeping with the United Nations Charter and the decisions of the United Nations based upon the Charter and developing its principles. Therefore the renunciation of the use of force in international relations in no way limits the right of colonial peoples to fight for their freedom and independence and to use any means necessary in that struggle. These rights of the peoples of the world which are under colonial and foreign domination have been laid down in many United Nations documents, in particular, General Assembly resolution 3481 (XXX) on Implementation on the Declaration of the Granting of Independence to Colonial Countries and Peoples, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the definition of aggression adopted by the General Assembly in 1974.

(Mr. Shevel, Ukrainian SSR)

Therefore the people of southern Africa now waging a stubborn struggle with the racist régimes have every right to use all available means, including methods of armed struggle. In their just struggle they have found support in the socialist countries and among all people of goodwill.

It should be pointed out that at the recent plenary meeting of the Central Committee of the Communist Party of the Soviet Union, in describing the draft world treaty on the non-use of force in international relations Leonid Brezhnev stressed that

"In our draft 'the non-use of force' embraces inter-State relations but does not affect the inalienable right of the peoples of the world to struggle for their social and national liberation, and we draw a very strict distinction between those two areas."

The renunciation of the use of force does not affect cases in which the issue is the right of peoples and States to eliminate the consequences of aggression or the restoration of lands seized by an aggressor if such an aggressor opposes a just political settlement of the problem, as is the case in the Middle East. The use of force is in these cases lawful and justified because it is based on the relevant provisions of the United Nations Charter and other universally acknowledged international legal documents which provide for the inalienable right of States to individual or collective self-defence.

Of course, the preparation and signing of a treaty on the non-use of force is not a panacea which will cure all difficulties and problems existing in inter-State relations. However, it is clear that consistent and scrupulous implementation of such a treaty would be an effective means of preventing the outbreak of international conflict. In the first place, such a treaty would be in keeping with the interests of the small and medium-sized States because it is precisely they, more often than not, who need reliable international legal guarantees to protect them from the threat or use of force. The effectiveness of any treaty of world-wide significance depends on the adherence of the maximum number of States.

With regard to this draft treaty, of tremendous significance is the participation in it of all nuclear Powers, which possess the greatest military potential. Universal participation would make the treaty on the non-use of force a genuinely effective instrument for peace and international security.

(Mr. Shevel, Ukrainian SSR)

In conclusion, the delegation of the Ukrainian SSR wishes to state that it whole-heartedly approves the draft treaty on the non-use of force in international relations submitted for the consideration of the General Assembly. We believe that conclusion of this treaty would do a great deal to promote the creation of an international climate in which all States would resolve international disputes by exclusively peaceful means. The delegation of the Ukrainian SSR supports the draft resolution proposed on this item and wishes to co-sponsor it.

The PRESIDENT (interpretation from Russian): I thank the representative of the Ukrainian SSR for his words regarding the fraternal friendship between our peoples, which I whole-heartedly endorse. I am also grateful for the kind remarks he addressed to me personally.

I have noted that the delegation of the Ukrainian SSR wishes to join the sponsors of the draft resolution in document A/C.1/31/L.3.

(spoke in English)

I wish to announce that Guinea also has expressed the desire to become a sponsor of the draft resolution in document A/C.1/31/L.3.

Mr. AHMED (Bangladesh): Mr. Chairman, permit me first of all to associate my delegation with the rich tributes paid to you on your well-deserved election to the chairmanship. I am confident that under your experienced and able guidance we can fruitfully discharge the burden of our work. We also extend sincere felicitations to the other officers of the Committee on their unanimous election. You may rest assured of our fullest co-operation.

We consider the item now before us to be of the utmost significance, not least because it has been initiated by a permanent member of the Security Council. The rationale and scope of the proposal to conclude a world treaty on the non-use of force in international relations has been succinctly expounded in the explanatory letter of the Soviet Foreign Minister (A/C.1/31/243) and the opening presentation to this Committee by His Excellency Mr. Vasily Kuznetsov. We consider they have sufficient merit to deserve examination in depth.

(Mr. Ahmed, Bangladesh)

In presenting our prima facie observations on this proposal, we believe that the essential focus revolves around two crucial factors: first, the felt need to enhance the effectiveness of the obligation not to use force in the conduct of international relations; second, the definition, as far as practicable of the term "force".

The real issue here is not whether the goal of the non-use of force is desirable in the abstract but whether it is practicable and applicable in concrete terms. In other words, the only meaningful exercise is to determine what can be done practically to constrain and limit the use of force and resort to intervention in the affairs of other States, rather than to adopt Utopiana instrument which will remain only a devout universal wish without practical manifestation or utility. How far the proposed world treaty will go towards meeting this test is thus the cardinal point under consideration

In this perspective, we should like to offer certain preliminary comments.

First, we do not believe that the proposed world treaty would contradict or be incompatible with the obligation under Article 2 (4) of the United Nations Charter for all Member States to 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 manner inconsistent with the purposes of the United Nations. No international instrument can be divorced from the political environment in which it was conceived and formulated. Conditions existing in 1945 were very different from the international situation existing today. We believe that the proposed world treaty on the non-use of force need not necessarily detract from the existing Charter principle, but can indeed reinforce and supplement the need for its effective elaboration and implementation.

(Mr. Ahmed, Bangladesh)

Secondly, proceeding on the premise that the development of international law is basically a reflection of the global society obtaining at the time, we believe that the world society of today has undergone a radical transformation. On the one hand, we have witnessed many positive developments in the stabilizing of great-Power rivalry and relationships: there has been a gradual diffusion of the world power structure from a bi-polar to a multi-polar system; détente, particularly among the European Powers, is gathering momentum; efforts are continuing to contain the threat of nuclear conflagration among them, and there has been a general progression towards relaxation of tensions.

On the other hand, the most significant factor in the contemporary international scene is the emergence of some 90 countries newly liberated from the shadow of colonial subjugation and confronted with the task of consolidating their hard-won independence and sovereignty and at the same time augmenting their economic development.

Détente has unfortunately not extended to them. It is these States, collectively constituting the third world, that have become the principal victims of aggression and of the use and the threat of use of force, overt and covert. As the Foreign Minister of Singapore so aptly summed up in his statement in the general debate, these countries:

"have already become the battlefields of what would be described as the Third World War". (A/31/PV.10, pp. 32-35)

and that for many of them

"a new world war will not be a single catastrophe but a cumulation of an international series of proxy wars fought in third-world countries."

(ibid.)

In the interim since the Second World War, there has been a vast proliferation of armed conflicts located there. Indeed, not a single day has passed in which one or several wars were not being waged. For the people of Bangladesh in particular, the impact and lessons of such conflicts have been devastating. In the past 30 years they have taken a toll of literally millions of lives of our countrymen. Today's global society, therefore, not only reflects an incipient growth of conflict and violence: it is also

(Mr. Ahmed, Bangladesh)

characterized by a shift in the power balance marked by the unequal relations among States, in which larger countries can dominate smaller ones, irrespective of their geographical location or relative world power status. The conclusion of a world treaty on the renunciation of the use of force assumes particular importance in this evolving context, especially in facilitating the creation of suitable guarantees and safeguards for the preservation of the political independence, territorial integrity and economic sovereignty of these smaller States.

Thirdly, there has been a demonstrable progression in the movement and desire for a more viable rule of international law, particularly to eschew the use of force in international relations. We, therefore, believe that a world treaty, incorporating as it does reference to such important instruments as the Declaration on the Strengthening of International Security, the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States, the solemn declaration on the non-use of force and permanent prohibition of the use of nuclear weapons, the vitally important Definition of Aggression, and the Declarations and Acts of such bodies as the Non-Aligned Conference and the Conference on Security and Co-operation in Europe, among others, which have reiterated and emphasized this cardinal principle, may promote the efforts towards further development of international law through codification of the international responsibility for aggression and the use of force and the establishment of an international criminal jurisdiction.

Fourthly, a vital corollary to the renunciation of the use of force is the concomitant need for greater reliance on pacific settlement of disputes through all the means laid down in the United Nations Charter, including negotiation, mediation, conciliation, arbitration and judicial settlement. Such recourse to peaceful settlement, in turn, highlights the critical need for the augmentation of international responsibility in promoting the settlement of disputes. Movement in this direction through the common will of Member States will bolster the ideal of collective security which has in the past 30 years become all but moribund.

Finally, there can be no doubt that the question of the renunciation of the use of force is integrally linked to the central issues of our time: the strengthening of international peace and security and the universal goal of disarmament. Previous speakers have detailed at length the prevailing world situation, where conflicts and wars persist, where oppression, aggression and economic exploitation abound, where the arms race and the proliferation of nuclear and ever more sophisticated conventional weapons continue to spiral. In such a situation, considerations of national security have overridden the compulsion for disarmament. The need for additional efforts to make the principle of the renunciation of the use of force an ironclad rule governing relations among all States cannot thus be easily ignored or dismissed, particularly in the light of past performance. We believe that even the discussion of this issue of such overwhelming importance could lead to a growing sense of community among all peoples.

We turn now to the crucial issue of the definition of the terms "force" and "threat of force". No one can doubt the difficulties inherent in defining such terms. After some 30 years of discussion the General Assembly was finally able to come up with an agreed definition of the most tangible manifestation of the use of force -- namely, aggression. But even in this definition, no mention was made of aggression committed by means other than the use of armed force, such as economic pressure to influence the conduct of other States. The Soviet proposal, in turn, concentrates mainly on armed or nuclear warfare as manifestations of force. Closely related to the meaning of force are such synonymous terms as intimidation, coercion and pressure.

(Mr. Ahmed, Bangladesh)

Intimately connected with the question of force other than armed force, whether conventional or nuclear, is the issue of intervention or interference in the internal or external affairs of States. Indeed the General Assembly itself has adopted in the past specific resolutions declaring, inter alia, that

"No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State".

Integrally connected to this issue are specific circumstances and instances under which claims can be made as to the legitimacy of the use of force. The Soviet draft proposal has correctly identified as a universally recognized exception the legitimacy of the struggle of colonial peoples for their freedom and independence, as also the right of peoples and States to fight for the elimination of the consequences of aggression and for the return of the lands illegally occupied by an aggressor. It has referred also to the right to individual and collective self-defence contained in Article 51 of the United Nations Charter. History, however, is replete with instances in which the use of force and aggression has been justified by a great variety of excuses and loopholes. The ultimate justification is of course the preponderance of the powerful, where might in essence is right.

It is obvious that at this preliminary stage one can only pose some questions rather than coming up with specific solutions. Our endeavour here is merely to outline the actual forces that may be extant in the consideration of the proposed treaty so that ameliorative efforts can be made within their confines.

(Mr. Ahmed, Bangladesh)

The Bangladesh position on this issue derives from a fundamental principle of our State policy as embodied in our Constitution -- that is,

"to strive for the renunciation of the use of force in international relations and for general and complete disarmament".

We are therefore committed to pursuing and examining all endeavours directed towards that end. Our cardinal policy is to support all measures that will enhance the collective responsibility and authority of the world community. It is in that context and spirit that we welcome the discussion on the present initiative.

The CHAIRMAN: I thank the representative of Bangladesh for his kind words about the officers of the Committee and about me personally.

Mr. DUMAS (Trinidad and Tobago): My delegation, speaking for the first time, would like to seize this opportunity, however belated, of congratulating you, Sir, on your election to the chairmanship of this Committee. Over the last 10 days or so we have been able to see for ourselves and be impressed by your firmness and flexibility and your commitment to punctuality and therefore have all confidence that the work of the Committee will continue to move forward smoothly and fruitfully. May we also take the opportunity to offer congratulations on their election to the Vice-Chairmen, Ambassador Boaten of Ghana and Mr. da Costa Lobo of Portugal, and to the Rapporteur, Mr. Shrestha of Nepal.

In these days of tension -- even if the immediate danger of thermonuclear confrontation may have receded in the last year or so -- my delegation deeply appreciates the Soviet initiative in seeking the conclusion of a world treaty on the non-use of force in international relations. We have carefully read the Soviet proposal contained in document A/31/243 and have listened carefully and with interest to, and have examined, the statement made on 25 October to this Committee by the Soviet First Deputy Foreign Minister, Mr. Kuznetsov. We have also appreciated the anxieties expressed in the statements made by different delegations in the last few days and we share many of them.

(Mr. Dumas, Trinidad and Tobago)

For itself, my delegation has two immediate areas of concern. The first is -- and this was dealt with by the representative of Cyprus -- that there should be a close and continuing examination, followed by Security Council action, of those provisions of the Charter which deal with the question of force and threat of force and which over the years have been regrettably ignored or blatantly violated. The second area of concern is this: Although a treaty of an international nature may elevate a Charter provision to a higher plane, there can of course be no guarantee that the provisions of such a treaty may not in themselves be ignored or violated. In this context, my delegation was struck by a news item that appeared in The New York Times of last Sunday, 24 October, which quotes the Director-General of the International Atomic Energy Agency as complaining that the Agency is being bypassed and apparently ignored by a small group of industrialized nations that export nuclear technology. It may be, as the article suggests, that these industrial nations are indulging in this behaviour for worthy reasons; but the fact remains that, as the Director-General is reported as saying,

"officially we learn only from the newspapers what the London club of nuclear suppliers is doing . (The New York Times, 24 October 1976, p. 20)

But my delegation has a third area of concern. It is that the remarks which we have read and listened to in the last few days have tended to centre on force or the threat of force as meaning only force of arms. For instance, the letter of 28 September 1976 from the Soviet Foreign Minister to the United Nations Secretary-General says:

"Parties to such a treaty, including, naturally, the nuclear Powers, would undertake to refrain from resorting to force or the threat of force by the use of any types of weapons, including nuclear and other types of weapons of mass destruction". (A/31/243, p. 1)

Similarly, article I of the draft world treaty states in part:

"The high contracting parties shall accordingly 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". (Ibid., annex, p. 2)

Concentration on this aspect of force is seen also in resolution 2625 (XXV) entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations" and in resolution 3314 (XXIX) on the definition of aggression. Article 1 of the annex to resolution 3314 (XXIX) states in part that

"Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State" and article 3 sets out the acts which qualify as acts of aggression; virtually all of them deal explicitly with armed force. It is, however, true that article 4 states that

"The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter"

and that operative paragraph 1 of resolution 2936 (XXVII) entitled "Non-use of force in international relations and permanent prohibition of the use of nuclear weapons", refers to

"the use or threat of force in all its forms and manifestations in international relations".

But, none the less, the emphasis is and has been placed firmly on force or the threat thereof as meaning force of arms.

(Mr. Dumas, Trinidad and Tobago)

As a matter of present reality, one cannot object to this emphasis; but it is also true that force is increasingly taking other, more subtle, forms. In his statement to this Committee on 25 October the First Deputy Foreign Minister of the Soviet Union referred to this aspect when he said:

"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." (A/C.1/31/PV.11, p.12)

Next week, when the disarmament debate begins, and in succeeding weeks we shall be hearing a great deal about nuclear arms, conventional arms and chemical and biological warfare; but we shall also be hearing about environmental modification techniques which are used for hostile purposes but which are not military in the normal sense of the word. However, in the view of my delegation, there are certain new areas of endeavour which on the face of it are beneficial to mankind but the improper manipulation of which could be considered a form of non-military force and which could lead to the use of military force. Those areas appear to warrant our consideration, and I shall mention two of them.

The first is remote sensing of the earth's resources. Last week this Committee heard a great deal about the benefits to be derived from such sensing, among them agriculture and water management, the protection of the environment, land-use surveys for development and transmigration planning, and geological mapping to facilitate mineral resource exploration and development. Many delegations expressed the view that data acquired by remote sensing should be given to the sensed State and not given to third countries without the consent of the sensed State. But how shall we know, we who may be sensed, first, when we are being sensed and, secondly, that, if we are sensed, all or any of the data are conveyed to us? If any of the data are conveyed, in what form may they be? How do we know that the sensing State will not one day use the data gained in a hostile fashion against the sensed State or region? In the debate last week, the representative of Colombia referred to this possibility when he said:

(Mr. Dumas, Trinidad and Tobago)

"Nor can we set aside the possibility that, in the absence of effective legislation, some States might be tempted to place stationary satellites in space over other States for specific political and military purposes."

(A/C.1/31/PV.8, p. 12)

But will there ever be effective legislation? In an age when mineral resources are being increasingly used for military and strategic ends, what safeguards can there be that the data gleaned from remote sensing will always be used for peaceful purposes, especially where ideological differences exist? To take one example of one of the lesser known minerals, one country in the manufacture of its fighter-bomber aircraft increasingly uses a mineral agent called titanium. The primary uses of titanium, according to the Encyclopaedia Britannica,

"... are as components in the compressor sections of jet engines and as structural and non-structural components of airframes and space-vehicle systems. These applications exploit the high strength-to-weight ratios of titanium alloys and their retention of strength in moderately high temperatures. In addition, titanium and its alloys are used in chemical-process equipment in which the excellent corrosion resistance can be used to advantage."

The two important ores of titanium are rutile and ilmenite, the former being preferred. Most of the world's rutile supply comes from Australia, especially New South Wales and Queensland, and other sources include the United States, India, Brazil and Sierra Leone. Ilmenite is more abundant than rutile and large deposits are known to exist in the United States, Canada, South America, Africa and Europe, including the USSR. I might also mention that the titanium agent is found also in abundance in what we have come to call manganese nodules. Is it too far-fetched to assume that in such circumstances there could one day be a close link between remote sensing and military operations?

The second area I should like to mention is broadcasting by satellite. Again last week we were told a great deal of the benefits of such broadcasting. We were told that there is a right and a freedom of all people to receive information regardless of frontiers and that, as one delegation put it:

(Mr. Dumas, Trinidad and Tobago)

"...one must not permit 'national interests' to serve as an excuse to impose censorship or otherwise circumvent the basic right to information that all people have".

Another delegation apparently sought to draw a distinction between individuals who "should have free access to all areas of information" and the societies to which such individuals belong. But freedom to receive information implies a concomitant freedom to impart information, and indeed the 1966 International Covenant on Civil and Political Rights speaks of the "right" of the individual to

"... impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". (General Assembly resolution 2200 A (XXI), annex)

However, quite obviously, no right and no freedom can be absolute if there is to be a minimum of order in society. There is a further point. Those of us who have had the depredations of colonialism inflicted on us, and some of those who inflicted those depredations, know that a vital element of colonialism -- perhaps its essence -- was the assault on and distortion of the mind, and that political independence is to a large extent without real and continuing meaning if it is not accompanied and indeed guided by psychological independence. In this context, in other words, there must cease to be the mystification of metropolitanism. If, however, broadcasting by the technologically developed States to the technologically developing -- I even dare to use the word "underdeveloped" in this context -- is to take place and to continue in the name of a so-called right and freedom to receive information, what is almost certain to result, and what, for all my delegation knows, may be the end sought, is a perpetuation of a colonialism which I can define only as neo-cultural and which quite clearly militates and will militate against the achievement of the psychological independence to which we in the third world should be more purposefully addressing ourselves. It is, in the view of my delegation, another form of force -- and I say nothing of the possible use of satellite broadcasting for purposes of subversion in the sense of trying to bring down a Government.

(Mr. Dumas, Trinidad and Tobago)

In saying what I have just said, my delegation wishes to make it clear that it appreciates the advances that the new technology can bring to the world as a whole and to the developing countries in particular. We do however wish to sound a note of caution, having in the past seen new technologies diverted to ends that with the best will in the world could not and cannot be considered in the best interests of the developing countries. We do not wish to see or to be part of a situation in which the developing countries, in their quest for true independence and socio-economic development, instead find that they are being transported to increasingly higher levels of dependence, in this case, technological dependence to begin with.

The CHAIRMAN: I thank the representative of Trinidad and Tobago for the very kind words he addressed to me, the two Vice-Chairmen and the Rapporteur of the Committee.

Mr. de PINIÉS (Spain) (interpretation from Spanish): Mr. Chairman, although my delegation has already addressed its greeting to you and the other officers of the Committee, I wish nevertheless to offer you my own since this is the first time that I have spoken before this Committee.

We have before us an initiative relating to peace and international security as well as disarmament. I should like to state here that my Government has always paid and continues to pay preferential attention to such questions, convinced as it is that they take pride of place in the orderly development of international relations. It is therefore my delegation's view that we must approach this question with a full awareness of the importance of the problems involved and of the fact that in respect of international security, regrettably, the world situation is far from satisfactory.

The United Nations Charter already contains the elements essential to build a world free of the threat or use of force against the territorial integrity or the political independence of any State, or in any other manner inconsistent with the principles of peace and security enshrined in our Charter. It is so laid down in Article 2 (4), in pursuit of the purposes specified in Article 1 (1). However, the fact that the United Nations Charter has laid down that universal rule of peaceful conduct in Articles that all the Members of

(Mr. de Pinies, Spain)

this Organization have accepted does not preclude its inclusion in more specific international instruments. In this connexion my delegation regards as positive any initiative that may serve to stimulate a renewed awareness of the world's need for additional guarantees against the terrible dangers of total war, whose destructive consequences today would bear no possible comparison with the effects of any other war recorded in history. My delegation took note with particular interest of the letter of the Minister for Foreign Affairs, Mr. Gromyko, and the presentation of the Deputy Foreign Minister, Mr. Kuznetsov, especially the paragraph in Mr. Gromyko's letter in which he affirms that the conclusion of a multilateral treaty would reduce the risk of the outbreak of a world war, create more favourable conditions for curbing the arms race, including nuclear weapons, and help progress towards general and complete disarmament.

I should like briefly to refer to the draft resolution contained in document A/C.1/31/L.3. This draft resolution, after citing the relevant antecedents, in the last preambular paragraph states that the General Assembly takes note of the draft treaty submitted by the Soviet Union and in operative paragraph 1 invites Member States to examine further the above-mentioned draft treaty as well as other proposals and statements made during the consideration of the item. My delegation believes that for the present this draft resolution merely addresses to the Governments of Member States a reminder and an invitation to undertake a joint study that in the reasonably near future might yield the positive results to which we all aspire. In this connexion, my Government is carefully studying the draft and, as heretofore, will give preferential attention to the study of the initiatives that may be discussed here and of any proposal that might prove useful for the same purpose.

In any event, and in accordance with operative paragraph 2 of this draft resolution, the Government of Spain is prepared to communicate in due course to the Secretary-General its observations and suggestions on this important question, in conformity with the request in that same paragraph.

(Mr. de Pinies, Spain)

I also wish to point out that, in my delegation's opinion, a study of the legal implications and consequences of the draft treaty contained in the annex of document A/31/243 would be useful. That study should be carried out by the Sixth Committee in accordance with the recommendation of the General Assembly.

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

Mr. CHERKAOUI (Morocco) (interpretation from French): Mr. Chairman, since this is the first time that the delegation of Kingdom of Morocco has spoken in the First Committee, it is my particular pleasure to extend to you personally and to the other officers of the Committee my warm congratulations upon your election as officers of the Committee. My country is very happy that it has fruitful and friendly relations of close co-operation with your country, as demonstrated by the visit which is to be paid tomorrow to Warsaw by our Minister for Foreign Affairs. You may be sure of the total and sincere co-operation of the Moroccan delegation.

The proposal of the Soviet Union for the conclusion of a world treaty on the non-use of force in international relations -- a pre-eminently political question -- and the basic idea which underlies our Organization -- is of vital importance and deserves careful attention in this Committee.

The Kingdom of Morocco, once it became independent, associated itself with the Bandung principles and made peaceful coexistence between States the foundation of its foreign policy. My country has always advocated the settlement of disputes by peaceful means and negotiation. It is therefore convinced that the principle of the non-use of force should guide the political life of nations.

(Mr. Cherkaoui, Morocco)

Almost 10 years ago, in March 1967, His Majesty Hassan II, in a letter addressed to the Secretary-General of the United Nations, appealed for a limitation of the arms race in north Africa.

The notion of the non-use of force is also one of the basic principles of the Organization of African Unity and was recently reaffirmed in Colombo at the Conference of non-aligned countries. Of course some people will succumb to the temptation to be sceptical and wonder about the usefulness or advisability of having a new juridical instrument when the principle of the non-use of force has for 30 years been embodied in our Charter and, indeed, is enshrined in many documents of our Organization. Is it not enough for States to respect principles to which they have subscribed and commitments that they have undertaken?

Indeed, the proliferation of texts, bilateral and multilateral agreements has not prevented the outbreak of local conflicts or the spreading of zones of tension. Ever since the Second World War we have seen the most flagrant violations of a fundamental principle of our Charter and the most extreme manifestations of violence. Certain local conflicts endangering international peace and security have not yet been settled. Certain States have had recourse to military means to perpetuate anachronistic systems of domination; others have intervened in the internal affairs of their neighbours, encouraging the use of force or fomenting trouble.

In the light of all this, is the conclusion of a treaty on the non-use of force something that can really change the course of events and put a curb on the desire of nations to dominate? At this stage in our debate the Moroccan delegation would like to have enough time to examine carefully the provisions of the draft treaty before us, as well as its juridical implications. We will of course make our contribution to the discussion that will take place on the question. For the time being, we shall confine ourselves to a few brief preliminary remarks.

(Mr. Cherkaoui, Morocco)

At the present time, my delegation is pleased at any initiative to avert conflict, reduce tension and strengthen détente. It is in that light that the Soviet proposal for the conclusion of a world treaty on the non-use of force seems to be a positive step which falls within the framework of previous attempts to induce States to respect their commitments more scrupulously. This initiative should win a broad consensus because it affects the interests of all States. No effort should be spared to prevent the use or threat of force.

Agreements on security and co-operation should not remain confined to a group of countries or a continent. That is why the non-aligned countries at the Colombo Conference said that détente should not remain an isolated phenomenon but should be extended to all countries of the world. They also declared that the principle of the non-use of force should be the very foundation of the policy of States.

That fundamental principle in the conduct of nations also seems to us to be closely linked to the problems of disarmament. We shall all have an opportunity next month to dwell at length on this problem. But the obligations contracted by States under a world treaty on the non-use of force might open up for us interesting prospects for making positive progress towards a solution of the difficult problems of disarmament.

Without taking a stand now on the substance of the draft treaty, efforts to codify the non-use of force seem to us praiseworthy. To establish a climate of confidence and promote détente, the treaty should be of universal scope and contain guarantees for its implementation. We believe, in particular, that the obligations contracted by States should not be affected by the provisions of the treaty. The conclusion of the treaty should in no way prejudice the right of States to individual or collective self-defence or the right of countries still under colonial domination to fight for their freedom and independence. Furthermore, the provisions of the treaty, to be exhaustive, should also cover other means of pressure or domination used by certain States which are striving to take advantage of their military or economic superiority. Those are actions of flagrant aggression which are a cause of tension in international relations.

(Mr. Cherkaoui, Morocco)

Those were the few remarks that the Moroccan delegation wanted to contribute to this discussion. In the next few weeks we shall certainly have an opportunity to clarify our views and analyse the provisions of the draft treaty, as well as its implications, in the light of the requirements of positive international law, the principles of our Charter and the commitments contained in other United Nations documents.

The CHAIRMAN: I thank the representative of Morocco for his very kind reference to the friendly relations and co-operation between his country and mine, the most recent example of which is the present visit of His Excellency the Foreign Minister of Morocco to Warsaw. I should like to thank him too for his kind remarks addressed to myself and other officers of the Committee.

Mr. RABETAFIKA (Madagascar) (interpretation from French): Allow me first of all to discharge the very pleasant duty of addressing to you, Sir, the congratulations of the Malagasy delegation on your election as Chairman of this Committee. In pledging its co-operation, my delegation wishes you every success in the performance of the important task entrusted to you. We should like also to extend these congratulations and wishes to the other officers of the Committee. Personally, since we have in you a distinguished representative of the great traditions of Polish diplomacy, I cannot but rejoice at the opportunity of pursuing a collaboration similar to that which exists between our two countries and peoples, both striving to ensure the achievement of social progress in peace, security and dignity.

The Malagasy delegation has followed with interest the discussion that is under way about the conclusion of a world treaty on the non-use of force in international relations. I say "about", because no one can in all fairness oppose the idea that the international community should reflect positively on the way to translate into deeds a notion that, unfortunately, has become quasi-theoretical but which remains one of the primary conditions of peace in the world, as provided in our Charter.

(Mr. Rabetafika, Madagascar)

The Soviet initiative undoubtedly meets certain generally shared concerns that fall within the context of the maintenance and strengthening of international security and the peaceful settlement of disputes. It is also in keeping with the provision of the Charter relating to the progressive development and codification of international law. Lastly, it strengthens our awareness of the need for peaceful coexistence, one of the cardinal principles of non-alignment. Only future events will show whether or not this is a timely initiative, but there is no denying that it falls squarely within the context of the gradual improvement of the international climate and strengthens the claims of the third world concerning the commitments that the great Powers must assume in the area of political and economic security.

The preparation of a treaty on the non-use of force and, to be faithful to the Charter, the threat of the use of force, could contribute to the more precise definition of already accepted concepts, to the formulation of more restrictive rules of conduct and to the required precision as to its field of application. However, we remain sceptical as regards the immediate connexion between the preparation of such a treaty and respect for the principle.

(Mr. Rabetafika, Madagascar)

We must in fact rely on the sovereign will of States and, since no compulsory protocol to the Charter is provided for, it is virtually impossible to envisage universal accession to the treaty. Yet only universal adherence can guarantee the results to which we aspire. Moreover, it was not so long ago that, on the occasion of another treaty presented as a significant step in the field of disarmament and international security, we were speaking of the need to safeguard the higher interests of certain States to the detriment, we must have the courage to acknowledge, of the common interest. Nor can we be given any formal guarantee in the present state of international relations that former commitments in the area of collective or individual defence will be adjusted to meet the imperatives of the treaty. Those are three reasons, among many others, which lead us to say objectively that the preparation of a treaty does not automatically imply universal respect for the principle of the non-use of force or the threat of force.

Nevertheless, the flexibility which we customarily show with respect to interpretations of the Charter leads us to the following observations, which to some extent may be encouraging.

First, the conclusion of a treaty on the non-use of force or the threat of force could change into contractual commitments, declarations of intent inspired by a principle which in the course of the past 30 years has very often been violated.

Secondly, this opportunity could be used on the one hand to define the particular responsibilities deriving from the Charter and on the other to make the bearers of those responsibilities more acutely aware of their obligations as members of the international community.

Thirdly, the non-nuclear-weapon States and all States not possessing weapons of mass destruction could take advantage of this opportunity to demand the guarantee that they were denied during the drawing up of the Treaty on the Non-Proliferation of Nuclear Weapons.

(Mr. Rabetafika, Madagascar)

In any event, we place the draft treaty on the non-use of force in the context of efforts made to strengthen the desire that we all, without exception, should have to participate in the promotion of international security and the attainment of true détente, which remain the responsibility of all and not just of two or several so-called privileged Powers.

Another concern of my delegation relates to the timing of the proposed treaty in the process of disarmament. We have had sufficient experience of collateral, partial or intermediary measures, which have proved to be limited if not doubtful in scope and capable of distracting us from our primary objective. In this connexion, we repeat that only the zero balance which the destruction of all nuclear weapons, their delivery vehicles and other weapons of mass destruction would entail can ensure the security of the largest number of countries or indeed all countries in the world.

Some may qualify our view as utopian, but I need hardly recall that so long as military arsenals exist States will find it difficult to resist the temptation to use them whenever and at whatever time those States consider it appropriate on the pretext of safeguarding their higher interests -- a concept that we denounced as soon as it was expressed.

Logically, a treaty on the non-use of force should come after the attainment of what we call zero balance, to prevent any possibility of rearming and a new arms race, thus breaking the cycle in which we run the risk of remaining prisoners for a long time to come. But logic does not fit in well with reality, and that is why, despite our apprehensions, we could agree to the inclusion of the treaty on the non-use of force within the present process of disarmament, provided that it advocated simultaneously the outlawing and destruction of nuclear weapons, their delivery vehicles and other weapons of mass destruction.

Following these general remarks, I should like now to make some preliminary remarks on behalf of my delegation concerning the provisions of the draft treaty itself.

My delegation notes with interest the fact that the conclusion of the treaty should in no way prejudice the legitimacy of the struggle of colonial peoples -- and by that we mean the peoples under foreign domination and occupation -- for their freedom and independence. In this connexion, we hope

that the necessary changes will be made in article I and, in particular its paragraph 3, so as to eliminate any possible misunderstanding. And since in this context we call for the application of Chapter VII of the Charter, that Chapter should be mentioned explicitly.

In the same desire for clarity, we believe that article III could be improved in order to avoid interpretations which might risk perpetuating the existing military blocs.

Finally, article IV should deal more precisely with the obligations of the contracting parties as a commitment and not leave the leeway which the present wording appears to give them.

We are all interested in respect for and effective implementation of the principle of the non-use of force or the threat of force. But our present action depends on the political will of States; the normalization of the international situation in respect of peace and true peaceful coexistence; the elimination of hotbeds of tension and the remnants of domination, occupation and aggression; the renunciation of spheres of influence and hegemonism; the effective acceptance of the principle of the sovereign equality of States; and our readiness to reactivate all the provisions of Chapter VII of the Charter in the event of failure to comply with the obligations of the proposed treaty.

These different factors, which are complex in their wording and their interdependence, should be reflected, if they are not already so reflected, in an appropriate manner in the draft. We want this to be a common undertaking and we are persuaded that the interest aroused by the initiative of the Soviet Union -- to which we pay a tribute -- should be reflected in the objective exploration of all the possibilities offered by the implementation in a renewed framework of a principle which, after all, is the basis of mutual confidence between States. That is the meaning we give to this present contribution.

The CHAIRMAN: I should like to express my appreciation to the representative of Madagascar of his very friendly reference to my country as well as of his kind remarks addressed to me and to the other officers of the Committee.

Mr. SHERER (United States of America): I should like at the outset to touch on a procedural aspect of this discussion. The Chairman, in making his introduction to the current item at the morning meeting on 25 October, was somewhat imprecise in referring to the General Assembly's decision as to the handling of the item. In fact, the General Committee recommended, on the conciliatory proposal of President Amerasinghe, that the item be allocated initially to the First Committee and thereafter to the Sixth Committee.

The General Assembly considered that recommendation the same afternoon.

The President of the Assembly stated:

" ... it is my understanding that it was agreed that the item be referred to the Sixth Committee promptly upon completion of its consideration in the First Committee. May I take it that the General Assembly adopts the General Committee's recommendations?

"It was so decided." (A/31/PV.16, page 2-5)

(Mr. Sherer, United States)

We are aware that the President has informed our Chairman that this item is to be referred "at the appropriate stage to the Sixth Committee for examination of its legal implications" (A/C.1/31/I/Add.1), but what this means, if interpreted in good faith, is that the matter will be sent promptly to the Sixth Committee in conformity with the decision of the General Assembly.

As a gesture both to the President and to the proponents of this item, the United States delegation accepted the conciliatory proposal by President Amerasinghe in the General Committee and the corresponding decision taken by the General Assembly. Efforts to deprive the General Assembly of its rightful opportunity to consider the significant legal aspects involved in the current treaty proposal amount to a disavowal of the President's proposal and the Assembly's decision.

This year marks the thirty-first anniversary of the United Nations Charter, a treaty dedicated to the maintenance of international peace and the prevention of war. Every Member State of the United Nations has pledged to uphold the provisions of that treaty, including Article 2 (3), which calls upon all Members to settle their international disputes by peaceful means, and Article 2 (4), which obligates 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. In other sections the Charter goes on to develop further the obligations of Member States regarding the use of force and, for example, draws a distinction between the legitimate threat or use of force in the exercise of the right of individual or collective self-defence and the illegitimate use of force for purposes of aggression.

Indeed, the obligations of Article 2 (4) of the Charter regarding the use of force are binding not only on United Nations Members. They are a declaration of general international law and represent standards of behaviour binding on all States. Moreover, it is essential that we insist upon such a broad application of these principles if the world is to have hope of ever being spared continued lawlessness and violence, whatever their source.

It is precisely because the Charter's basic provisions concerning the conduct of States are so clear and have such broad and authoritative application that the United States views with concern any proposal for their restatement or

(Mr. Sherer, United States)

revision. It is important for world peace that we not diminish the full force and effect of the obligations imposed by the United Nations Charter and that any attempt to modify those obligations be undertaken only in accordance with the provisions of the Charter. Moreover, because sound international relations depend upon the understanding and strong support of our citizenry, it is also important we be confident that any such effort be accepted as a genuine step forward in the development of standards by which States will guide their relations. Otherwise we would not only mislead ourselves, our Governments and our people but lead them to treat with suspicion all international understandings.

Viewing the Soviet proposal for a treaty on the non-use of force from these perspectives, the United States is forced to conclude that at very best the proposal would add nothing to the obligations we already have under the Charter and therefore is unnecessary and unwise. Article 2 (3) and (4) sets forth the Charter's basic obligations with respect to the peaceful settlement of disputes and the non-use of force, and the primacy of those obligations is firmly established by Article 103. Under closer scrutiny, however, the United States concludes that the Soviet proposal would have us embark on an exercise which purports to expand but which may in fact diminish the Charter obligations by casting doubt on the solemnity of the legal commitments undertaken therein. The very proposal of a separate treaty on the non-use of force tends to undermine existing Charter obligations by implying that the Member States of the United Nations are still free to adopt or reject the principle of non-use of force embodied in Article 2 (4) of the Charter. We reject any such suggestion.

There is no lack of obligations and standards regarding the non-use of force. These exist, and they can be read in their most forceful and authoritative version in the Charter of the United Nations. The problem lies in continuing unwillingness to abide by and enforce existing obligations.

In short, we have rules enough. What we need is the will to adhere to the rules that exist. It is to that end rather than to the repetition and restatement of existing standards that the Governments of the United Nations should dedicate themselves.

The CHAIRMAN: The representative of the United States has raised a procedural question. I should like to assure him that I am fully aware of the decisions of both the General Committee, in which I myself participated, and the General Assembly, as also, of course, of the contents of the letter the President of the General Assembly addressed to me.

Nothing I said in my introductory statement on Monday last in any way tends to disavow either the decisions of the General Assembly and the General Committee or the authority of the President of the General Assembly. I am afraid the representative of the United States was not present at that particular meeting. I said:

"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."
(A/C.1/31/PV.11, p.2)

As to the other aspects raised by the representative of the United States, I think it premature to dwell on them. He himself said that they can be tackled only after completion of the consideration of this item in this Committee.

I hope I have made the matter clear.

Mr. SY (Senegal) (interpretation from French): Since this is the first time I have spoken in this Committee I should first like to convey to you, Mr. Chairman, and to the other officers of the Committee the congratulations of the Senegalese delegation on your election in addition to congratulating you --- and everyone here knows of your qualities of heart and mind and your extensive experience of diplomacy -- we should like to pay a tribute to Poland, a country long attached to the ideals of peace and justice.

The subject before us today is of vital importance. Indeed, the disasters that occurred as a result of the use of war as an instrument of policy, particularly after two particularly destructive world wars, led those who drafted the Charter of the United Nations to make the principle of non-use of force in international relations one of the buttresses of our Organization.

(Mr. Sy, Senegal)

Despite the wide acceptance of this principle, it has not been possible to remove the spectre of a nuclear holocaust or to eliminate the use of force in international relations. Nevertheless, the international community has ceaselessly reaffirmed that principle, particularly in the Declaration on the Strengthening of International Security, adopted in 1970, and the General Assembly resolution on the non-use of force in international relations and the permanent prohibition of the use of nuclear arms.

A number of facts have testified to the persistence, parallel to that positive trend, of the use of force in international relations. Thus the arms race has been ceaselessly accelerated and extended, creating and aggravating the risk of new armed conflicts. Certain States have, in violation of their international commitments, always sought political advantages by military means. In Africa, to mention an example close to me, the racist régime of Pretoria has over the last two years launched unjustified aggression against the fraternal countries of Zambia and Angola.

These negative trends make the proposal formulated by the Soviet Union of particular importance to the extent that it aims at inducing States to undertake solemn commitments not to use force. The scope of such commitments far transcends the mere avowed intention to abide by the principles of the Charter and testifies to the political will hitherto lacking on the part of States to renounce the use of force.

The Soviet proposal is also of great interest both for the nuclear and the non-nuclear Powers. For the former it is a step towards elimination of the spectre of nuclear attack and a point of departure for the elimination of nuclear armaments. As for the non-nuclear States, most of which belong to the non-aligned movement, renunciation of the use of force should make possible the return to a world based upon the equality and independence of all States.

(Mr. Sy, Senegal)

All these factors lead the Senegalese delegation to view the proposal of the Soviet delegation favourably. Nevertheless the draft treaty calls for certain general remarks.

First of all, there is the fact that the commitment of States, however solemn it may be, to renounce the use of force, if not accompanied by a similar will to put an end to actual situations and practices conducive to the use of force, is liable to remain a dead letter. For how can we reconcile renunciation of the use of force with the arms race, the search for spheres of influence, the policy of blocs and the economic exploitation of the poorest States? These are practices which underlie intervention in the internal affairs of other States, non-respect for the sovereignty and territorial integrity of the weakest States and, finally, measures taken to strangle the economies of certain Governments which want to recover their natural resources.

These practices have already engendered international tension and promoted the use of force.

The treaty should, in our view, serve as a framework or reference point for the creation of new arrangements making it possible to resolve the principal causes of the persistence since 1945 of the use of force in international relations. Furthermore, the draft treaty would stand to gain if it were to take as its key concept a broader definition of security, and hence of the notions of force and the use of force.

In stressing this aspect of the question, my delegation has no intention of opening a debate on the definition of the notion of force. Nevertheless, it seems to us of great importance that account be taken of the principal manifestations of the use of force in our time. While the use of force in the military sphere has not ceased since 1945, we have to agree that there are other uses of force in other areas which are no less brutal.

We spoke just now of measures of economic strangulation taken against certain developing countries. These are only symptoms of a vast conflict characterized by the constant use of force. Thus the establishment of a new international economic order to which the third world aspires, has no other

(Mr. Sy, Senegal)

purpose than that of replacing relations based on force and involving the imposition of unfair prices on the weakest countries by more balanced relations.

The treaty should induce States to renounce, in all areas, actions aimed at deriving unilateral advantages, and to commit themselves to mutually satisfactory negotiated solutions. To this end, the treaty should provide machinery making it possible to defeat the delaying tactics of certain States which, while claiming to negotiate, actually maintain positions of strength.

In conclusion, my delegation associates itself with previous speakers in supporting the draft resolution submitted by the Soviet Union (A/C.1/31/L.3), with a view to permitting a detailed examination of the question in the near future.

The CHAIRMAN: I thank the representative of Senegal for his generous remarks addressed to my country, as well as for his kind words to me and the other officers of the Committee.

Mr. LAPOINTE (Canada) (interpretation from French): We have been repeatedly reminded in the course of the current debate that, unfortunately but undeniably, international reality is such that on a number of occasions attempts have been made -- and will continue to be made -- to settle certain conflicts by resort to force. My country has always worked to establish new arrangements that would allow the peaceful settlement of disputes, and has collaborated in many mediation efforts for the maintenance of peace. However, despite the efforts of the international community to create, on the basis of the United Nations Charter, better political and legal arrangements to prevent conflicts, ease tensions and promote understanding and co-operation among peoples, the world is constantly faced with the use of force by some States. We are therefore agreed that we must continue to remind all States of the fundamental obligations they assumed in ratifying the United Nations Charter.

(Mr. Lapointe, Canada)

In any event, the question that we must ask ourselves is how we can best contribute to strengthening the political and legal system established by the Charter. The suggestion has been made that the elaboration of a new world treaty could of itself ensure the strict observance of the principle of the non-use of force or threat of the use of force. The draft of such a treaty which is at present before us, however, provides for no concrete or practical means of preventing conflicts or implementing measures for arms control that are both specific and capable of verification. Even though my delegation is ready to study more carefully specific proposals of this kind, we hardly see what improvements we can make if we must concentrate only on a text which makes no substantial changes in existing international law, and which might even endanger the basic structure of the Charter, since it does not mention other essential elements of the Charter, such as the individual and collective right of self-defence and the powers and obligations of the Security Council.

We are also prepared to accept that Member States of the Organization should be invited to submit their views to the Secretary-General with the aim of preparing a more thorough study of this question at the next session. In so doing, however, we wish in no way to prejudge the main issue. In particular, we are far from convinced that such a treaty would be the ideal instrument for strengthening the provisions of the Charter on the non-use of force. My delegation and, I believe, many other delegations as well would prefer to give their support to a draft resolution that would take such concerns fully into account.

Mr. ITOUA (Congo) (interpretation from French): The delegation of the People's Republic of the Congo is happy to associate itself with the tribute paid to you, Mr. Chairman, by previous speakers, and assures you of our whole-hearted co-operation throughout our work, which I am sure will be crowned with success thanks to your qualities and experience, and to the recognized competence of the other officers of the Committee.

It is with great interest that the delegation of the People's Republic of the Congo has acquainted itself with the documents drafted and submitted by the Soviet Union relating to the conclusion of a world treaty on the non-use of force in international relations. The study of those documents has been all the more useful since they represent an objective initiative aimed at organizing the future in accordance with the obligations flowing from the United Nations Charter. This step is not the first, and no doubt will not be the last. That is why, while supporting this welcome peace initiative in the name of the principles that have always guided the actions of the Congolese Party and State, my delegation wishes to make a few brief constructive comments.

As conceived and as referred to in the documents before us, force relates only to the military sphere, since reference is made, and quite rightly, to nuclear arms and other types of weapons of mass destruction. But beyond this force which is immediately visible to us, there are other kinds of force just as capable of disrupting the harmony of one or more States if no law firmly condemns them at the international level.

(Mr. Itoua, Congo)

Among these types of force we should like to refer in the first place to subversion.

For imperialism, subversion is the good war -- or, rather, the form of war which it can engage in constantly in the third-world countries, and almost with impunity. It consists of ensuring the overthrow of progressive régimes and preparing, behind the scenes, for the advent of puppet régimes, the leaders of which are more manageable. That tactic is convenient for imperialism because it consists of transforming secondary contradictions in one or more countries into primary contradictions and pitting one against the other. The same tactic is often used to divide a people. It almost always results, even if there is a return to tranquility, in a collapse of the revolutionary capacity of the people, to the benefit of imperialism. Indeed, even in the case of a return to tranquility, imperialism inevitably derives advantage from this situation by increasing the plunder of a country's natural resources at the precise time when the oppressed people is busy with national reconstruction.

In this particular case, imperialism remains behind the scenes, as I have said, but it still acts in an effective way. Once imperialism has installed its agents in power, those agents usually appeal to the people, under the guise either of the maintenance of order or of so-called technical assistance.

That is a form of aggression that our delegation would like to see referred to in the draft world treaty on the non-use of force in international relations.

The second point, which seems to us no less essential and which appears to be lost sight of in this draft, relates to the recognition that national liberation movements have the right to engage in armed struggle.

In that regard the draft treaty submitted by the Soviet Union makes no mention anywhere of the legitimacy of armed struggle, a right which the United Nations has recognized as belonging to national liberation movements. We think that this is a mere oversight, particularly because the letter of presentation from the Minister for Foreign Affairs of the Soviet Union clearly states:

ⁱⁱ"The conclusion of ... a treaty must in no way prejudice the legitimacy of the struggle of colonial peoples for their freedom and independenceⁱⁱ."

(A/31/243, p. 2)

(Mr. Itoua, Congo)

That clarification, which is important from every point of view, in our opinion, must necessarily be part of the draft treaty. Otherwise, one might wrongly regard as an act of violence any assistance that sovereign countries give to the liberation movements in their struggle for freedom, justice and independence. Indeed, paragraph 3 of article I of the draft treaty submitted by the Soviet Union is unequivocal on this subject, since it provides that

"No consideration may be adduced to justify recourse to the threat or use of force in violation of the obligations assumed under this treaty". (Ibid., annex, p. 2)

Our delegation believes that this paragraph seems to close the door to any assistance to liberation movements. Hence, in our opinion it should be supplemented by making it more positive.

It is therefore clear that the Congolese delegation, in its own way, would rather tackle the causes than the effects. It does so all the more objectively because its Government's action has always been guided by the interests of justice, the right of each people to self-determination, and our fraternal feelings for all peace- and justice-loving countries.

Indeed, we are sure that our co-operation with the neighbouring countries in central Africa is constantly based on this principle of the non-use of force. The fraternal relations between the Congo and the neighbouring countries are always aimed at understanding among our peoples and at the peace and security of our region, with strict respect for the sovereignty of all our countries.

In conclusion, the Congolese delegation is gratified at this Soviet initiative, because it is a felicitous one. Our delegation hopes, just as ardently, that account will be taken of the comments we have just made.

The PRESIDENT: I thank the representative of the Congo for his kind words about me and the other officers of the Committee.

The meeting rose at 12.35 p.m.