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SUMMARY RECORD OF THE 64th MEETING

Chairman: Mr. GAVIRIA (Colombia)

CONTENTS

AGENDA ITEM 37: CONCLUSION OF A WORLD TREATY ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS: REPORT OF THE SECRETARY-GENERAL (continued)

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The meeting was called to order at 11.10 a.m.

AGENDA ITEM 37: CONCLUSION OF A WORLD TREATY ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS: REPORT OF THE SECRETARY-GENERAL (continued) (A/32/181 and Add.1; A/32/94, 95, 97, 108, 112, 114, 119, 122 and 123)

1. Mr. KOLESNIK (Union of Soviet Socialist Republics) recalled that at the thirty-first session of the General Assembly the Soviet Union's initiative in proposing the conclusion of a world treaty on the non-use of force in international relations had been welcomed by most Member States. Many statements in support of the drafting and conclusion of such a treaty had also been made during the general debate at the current session, among them the statements by the Prime Minister of Mauritius and the Minister for Foreign Affairs of Tunisia. More than 40 States had submitted replies to the Secretary-General's note on the subject, many of which expressed the conviction that the conclusion of such a treaty would help to strengthen those provisions of the United Nations Charter which prohibited the use of force in international relations and provided for the right of individual and collective self-defence; such a view had been expressed, among others, by Thailand, Finland, Greece, Senegal and Trinidad and Tobago. Furthermore, support for the proposal had been expressed in documents prepared jointly with the Soviet Union by Afghanistan, the People's Republic of Angola, India, Jordan, the People's Republic of Mozambique and the Syrian Arab Republic. In the light of that widespread support, the Minister for Foreign Affairs of the Soviet Union had written to the Secretary-General on 27 May 1977 (A/32/94):

"The Soviet Union considers that the intervening period has fully confirmed the urgency and importance of concluding a world treaty on the non-use of force in international relations and that it has become necessary to take specific steps to do so without delay. This would promote the vital interests of all States - both large and small - and would be in the interest of the strengthening of international peace and security."

2. The conclusion of such a treaty would be a natural extension of United Nations efforts to strengthen international peace and security and would lessen the danger of the outbreak of a new world war. It would also help to consolidate the advances made in international relations in recent years. Those advances had been described on 2 November 1977, in connexion with the sixtieth anniversary of the Great October Socialist Revolution by L. I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Presidium of the Supreme Soviet of the USSR, who had said that during the 1970s there had been a number of changes for the better in the world, which had come to be known under the name of *détente*, and that such tangible changes could be seen in the recognition by means of international documents of what could be called a code of rules for international relations which would set up legal, moral and political barriers to

(Mr. Kolesnik, USSR)

military adventurism, in the first modest understandings on the reduction of the arms race and in international agreements covering many areas of peaceful co-operation between States with different social systems. In short, the conclusion of the treaty would strengthen, in relations between States, the principles of peaceful coexistence and co-operation in various fields on the basis of equality. Such a development would be fully in keeping with the purposes of the Soviet Union's long-term policy, as reaffirmed in the decisions of the Twenty-fifth Congress of the Communist Party of the Soviet Union and embodied in the recently adopted Constitution of the USSR.

3. The purpose of concluding a world treaty on the non-use of force in international relations was to avert the danger of a new war, to ensure that disputes were settled at the conference table rather than by armed force and to make the principle of the non-use of force an unshakable law of international life. Although the principle of refraining from the threat or use of force in international relations had been widely recognized as a peremptory norm of international law and embodied in the United Nations Charter and other important documents, it was not yet being conscientiously observed everywhere. The many armed conflicts since the end of the Second World War gave evidence of that fact. The danger of possible international conflict existed today in the Middle East, in southern Africa and in Cyprus, and the continuing arms race was causing special concern, since it posed a real danger that armed force would in fact be used. Consequently, the widespread recognition of the principle of the non-use of force as the basis for relations between States did not mean that the efforts aimed at implementing that principle could or should be slackened. Despite the affirmation of the principle in the United Nations Charter and other normative international documents, it was an unfortunate fact that the use of force had not yet been eliminated from the practice of international relations.

4. The development of nuclear weapons and other types and systems of weapons of mass destruction had radically changed present-day thinking about the consequences of the use of force, for local conflicts could develop into world-wide thermonuclear war, which would be disastrous for all mankind. There was therefore an imperative need to make the prohibition of the use of force more effective. Furthermore, no one denied the existence of that need; on the contrary, its recognition underlay all the comments made at the thirty-first session of the General Assembly and in the replies of Governments on the question of the proposed treaty on the non-use of force.

5. The conclusion of a treaty stating in concrete terms the norm prohibiting the use of force in international relations would certainly increase the responsibility of all States parties to the treaty to comply strictly with that norm and would thereby widen the scope of its application in practice. It was no accident that recent years had witnessed the conclusion of so many bilateral and regional treaties and agreements stating that the parties would refrain from the threat or use of force and specifying the obligations of the parties in cases of threats to the peace, breaches of the peace or acts of aggression. In the Final Act of the

(Mr. Kolesnik, USSR)

Conference on Security and Co-operation in Europe, a large number of States with different socio-economic systems had declared that they were resolved "to give effect and expression, by all the ways and forms which they consider appropriate, to the duty to refrain from the threat or use of force in their relations with one another".

6. The treaty would unquestionably give additional guarantees of security to every peace-loving State and would have a deterrent effect on potential aggressors. It would help to mobilize world public opinion, which had an important effect on the foreign policies of States. It would be an important political and legal stimulus for directly and indirectly influencing States to comply with their obligation not to use force and would help to strengthen international peace and security and the positive processes of détente. Of all the means available to the world community today for influencing the will of sovereign States, a treaty was the best and most effective.

7. By embodying in a treaty the Charter provisions concerning the non-use of force in the light of today's world situation and the present level of technological development, States Members of the United Nations would be following traditional practice, under which the general principles proclaimed in the United Nations Charter were embodied in multilateral conventions and agreements concluded under the auspices of the United Nations.

8. Although the replies of some States had expressed doubts concerning the treaty, his delegation hoped that such doubts would remain few. What was important was a political willingness to do everything possible to make the non-use of force a law of international life. His delegation hoped that, after a thorough analysis of the Soviet proposal, Member States would take practical action to prepare an appropriate legal instrument.

9. The experience of the United Nations, under whose auspices more than 80 international conventions and agreements had already been concluded, suggested that specialists representing the different legal systems of the world and the interests of different groups of States should discuss the proposed treaty in a special committee established by the General Assembly. Such an approach had been successfully used in the cases of the Special Committee on the Principles of International Law concerning Friendly Relations and Co-operation among States and the Special Committee on the Question of Defining Aggression. Following those examples, the Sixth Committee could recommend that the General Assembly establish a special committee on a world treaty on the non-use of force. The Special Committee would consider all comments and proposals made by States in connexion with the draft world treaty prepared by the Soviet Union and would take appropriate decisions, which it would report to the General Assembly.

10. A number of matters raised during the debate at the thirty-first session of the General Assembly and in the replies of Governments were relevant to the drafting of the treaty. For example, the reply of Senegal emphasized that the

(Mr. Kolesnik, USSR)

treaty "must not affect the right of peoples struggling for their independence to use all the means at their disposal, including armed force, which is implicit in Article 51 of the Charter and article 6 of the Definition of Aggression" (A/32/181, p. 27). A number of States had raised the question of establishing machinery for the peaceful settlement of international disputes; in particular, the reply of Pakistan emphasized the need to "provide machinery for the obligatory and peaceful settlement of disputes and for securing compliance with the United Nations Charter and binding decisions of the United Nations" (A/32/181, p. 25). Some States had suggested that the machinery for enforcement action under Chapter VII of the Charter should be put to use; the reply of Kuwait stated that "a mechanism is needed to deter an aggressor State or force it to give up the fruits of aggression. Lack of enforcement action is largely responsible for the weak structure of international security" (A/32/181, p. 19).

11. The establishment of a special committee would provide an opportunity for serious consideration of each of the questions he had mentioned. For the present, he merely wished to emphasize that the treaty must be truly universal; it must be the product of collective efforts by States, and the Soviet Union was prepared to continue a constructive exchange of views concerning the draft treaty so that the final document would be satisfactory to everyone.

12. Informal consultations concerning a draft resolution were currently being held. His delegation would do everything it could to ensure that the draft resolution could be adopted by consensus.

13. Mrs. HERNANDEZ (Cuba) said that one of the fundamental purposes of the United Nations was to maintain international peace and security. Accordingly, Article 2 of the Charter required 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 and to settle their disputes by peaceful means. That principle, which was of crucial importance for the structure of the Organization, had been repeatedly violated by the imperialist States, which, in their policy of aggression, had constantly used force in various parts of the world in an attempt to prevent the liberation and independence of peoples and States. Convincing proof of that could be seen in the situations prevailing in various countries of Africa and Asia, i.e., Angola, Mozambique, Zimbabwe, Namibia, Viet Nam, Democratic Kampuchea and Laos.

14. Her own country, too, had been the object of repeated aggression. The armed attack of 1961 had been the first in an interminable series of acts of piracy, subversion and arms smuggling. Most disgraceful of all was the economic blockade to which Cuba had been subjected for more than a decade. That, too, constituted the use of force, because it was intended to isolate and strangle an entire people whose only "offence" was its determination to build its future without foreign interference or domination. However, the revolution emerged more vigorous after each blow and each act of aggression. As Fidel Castro had said, "Our strength is not only the strength of one people; it is the strength of all peoples which have liberated themselves from slavery and of everyone in the world who is struggling to eliminate exploitation, injustice and crime from human society."



(Mrs. Hernandez, Cuba)

15. The threat or use of force - whether political, military or economic - had clearly not disappeared from the world scene. Neither the principle of the non-use of force nor its embodiment in the Charter had sufficed to prevent the use of force in international relations. It could be asked, therefore, whether it was not necessary to develop more radical and more binding measures based on that principle so that States would not resort to force in their international relations. Her delegation had from the outset supported the proposal of the Soviet Union for a world treaty on the non-use of force in international relations because there was a real need to develop additional guarantees in that area, following the existing precedents with regard to the embodiment of United Nations principles in international treaties providing for legal relationships. The proposed treaty would strengthen the foundations of the system of collective security created by the Charter and would contribute effectively to achieving lasting peace and security throughout the world and to guaranteeing the political independence and territorial integrity of all States.

16. During its 32 years of existence, the United Nations, pursuant to Article 13 of the Charter, had consistently pursued the codification and progressive development of international law. Charter principles had provided the basis for numerous international treaties and agreements in various fields. The General Assembly resolutions and international treaties relating to certain Charter provisions had in no way diminished their legal force; on the contrary, they had fulfilled an important legal, political and moral function by broadening the Charter's provisions and, on the whole, had enhanced the role of the United Nations. A world treaty could therefore not be viewed as an amendment to the Charter or, as some maintained, a mere duplication of its provisions. Codification of the principle of the non-use of force, recognized as a rule of jus cogens, in a broadly based multilateral treaty could help to promote by legal means a more effective application of that principle, whose observance would in turn help to guarantee the principles of sovereign equality, territorial integrity, non-interference in the internal affairs of States and the peaceful settlement of disputes. It would also be instrumental in curbing the arms race. The development and codification of that principle would in no way affect or limit the rights and obligations of States under the Charter or under treaties and agreements previously concluded. It would reaffirm rather than limit the right of States to individual or collective self-defence laid down in Article 51 of the Charter as well as the inalienable right of peoples under colonial and racist régimes or other forms of domination to struggle for their freedom and independence by whatever means might be necessary to reach that noble end. Accordingly, her delegation felt that the draft treaty submitted by the Soviet Union at the thirty-first session of the General Assembly was a sound starting point for the preparation of an international instrument to prohibit the use of force in international relations.

The meeting rose at 11.50 a.m.