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President: Mr. Abdul Rahman PAZHWAQ
(Afghanistan).

AGENDA ITEM 92

Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination (continued)*

1. The PRESIDENT: I intend, with the General Assembly's co-operation and consent, to close the list of speakers before the vote at 1 o'clock tomorrow afternoon. That is only the closure of the list of speakers, because to be able to organize our work we should have an indication of how many representatives wish to speak before the vote is taken. If there is no objection to that suggestion, I will take it that the Assembly agrees.

It was so decided.

2. Mr. VALENCIA (Ecuador) (translated from Spanish): Nobody questions the importance of item 92, which was included in our agenda at the Czechoslovak delegation's request [A/6393] and concerns the "strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination". This item entails nothing less than an examination of the implementation of two essential principles, on whose full observance depends the efficacy of the United Nations and the maintenance of international peace and security—the supreme objective of the world Organization. These principles are: first, that States shall be required to refrain from the threat or use of force against the territorial integrity or political independence of any State, in accordance with paragraph 4 of Article 2 of the Charter, and secondly, the principle of the self-determination of peoples, to which several provisions of the Charter refer and whose most important expression is the anti-colonial Declaration contained in General Assembly resolution 1514 (XV).

3. The Czechoslovak delegation's working of this item is such that the two principles are closely related and form an inseparable whole.

4. The over-riding importance of these principles is readily apparent. It is sufficient to recall that the most significant resolutions adopted by the world Organization, whether by the General Assembly or by the Security Council, have contained express or implicit references to these principles, which, for the same reason, have been the subject of numerous commentaries and interpretations. In the light of this background, to which we are still adding, we can well understand that the item on the prohibition of the use of force must concern all countries, and particularly the small and weak countries, whose sole strength lies in the law which protects them.

5. The principle to which we are referring is set out in paragraph 4 of Article 2 of the Charter. Jiménez de Aréchaga says:

"This is the most important provision of the Charter, not only in relation to the system of collective security set forth in that instrument, but also from the standpoint of international law in general, because the prohibition of the use of force by the members of a community and the organized and centralized application of this principle are the main features of all developed legal systems." ^{1/}

6. This prohibition originated in Article 10 of the Covenant of the League of Nations, which President Wilson described as the very heart of that instrument. Article 10 of the Covenant, together with Articles 12 to 15, was the key provision prohibiting recourse to war. Nevertheless, wars did occur in various important areas of the world, and finally there came the most fearful holocaust of all, in which the Organization established at Geneva perished.

7. With regard to the item before us on this occasion, I believe that we should always bear the lessons of the past in mind, so that we may have the proper perspective and see where persistent violation of the basic standards of peaceful international co-existence may lead us. It is also appropriate to recall certain fundamental principles such as the one I have mentioned and to analyse their scope and intrinsic value. It is salutary at times, particularly when the international situation calls for it, to look back to the Charter itself and to recall the solemn obligations which our peoples assumed when they adhered to it.

8. Paragraph 4 of Article 2 is very broad in scope because it does not speak of the prohibition of recourse to war, as did the League of Nations Covenant, but unequivocally provides that States "shall refrain from the threat or use of force against the territorial

*Resumed from the 1461st meeting.

^{1/} E. Jiménez de Aréchaga, *Derecho Constitucional de las Naciones Unidas*, Madrid, Escuela de Funcionarios Internacionales, 1958, p. 75.

integrity or political independence of any State". One of the first implications, therefore, is that, although the Charter speaks of force in general, there can be no doubt that, in the context of the Charter and particularly of the preamble, the reference is to armed force.

9. But that is not all. The Charter takes a further step forward by prohibiting not only physical force as an instrument of international policy but also the threat of such force. Despite the interpretations which have been placed upon the expressions "force" and "threat of force", it cannot be denied that the use of armed force in whatever form is prohibited in the international community and that this prohibition therefore includes armed reprisals, which it was formerly the tradition to condone.

10. The principle to which I have referred, however, implies that force or the threat of force may not be used "against the territorial integrity or political independence of any State". That is why it has also been necessary to analyse the meaning of "territorial integrity" and "political independence". We are all aware of the implication of those terms and we know what they mean. This is particularly so of States, such as Ecuador, which have fallen victim to unprovoked armed aggression, whose consequences still persist despite every principle and law and justice.

11. Those tenets, which were included in the Charter signed at San Francisco precisely in order to afford better protection for small States, have nevertheless been given tendentious interpretations. One well-known commentator on international law, for example, went so far as to maintain that paragraph 4 of Article 2 does not prohibit military measures aimed at protecting the lives of nationals in foreign countries. In that connexion, it is sufficient to point out that such an outlook would justify the most reprehensible outrages committed in pursuit of interest which cannot be avowed.

12. We have always been astonished, therefore, to hear attempts to justify flagrant armed aggression against defenceless countries on the grounds that certain so-called measures of self-protection are compatible with the Purposes and Principles of the United Nations. In this connexion, the assertions made in relation to the case of the Corfu Channel are well worth considering. It was then argued that "a threat and, indeed, use of force—the demonstration of naval force in Albania's territorial waters—is not contrary to Article 2 (4) when it is in affirmation of rights which have been illegally and forcibly denied".^{2/}

13. In this connexion, the following questions are relevant: is it not true that this interpretation would mean that protective landings and naval demonstrations would be authorized to enforce a right considered to have been violated? Furthermore, which States have considered that they were in need of protection and that their existence was jeopardized and have therefore felt obliged to take such measures in self-protection? Which countries have resorted to

these alarming interpretations of the United Nations Charter? The disquieting fact is that it has always been the powerful countries—those which have huge forces and limitless means at their disposal to enforce their will.

14. In analysing the terms "territorial integrity" and "political independence", concepts which are bound up with the notion of sovereignty, it has been said that since the latter is restricted by contemporary international law, certain measures of armed self-protection are permissible. Let us consider the dangers inherent in such an assertion and the fearful consequences which it could entail. "Territorial integrity, especially where coupled with political independence, is synonymous with territorial inviolability."^{3/}

15. Consequently, Ecuador's position is that the territory of a State is inviolable and that there can be no justification whatsoever for a violation of this right, which is inherent in the very existence of the State. Similarly, it considers that "political independence" would be violated if one State compelled another—through the threat or use of force—to take measures which it would not otherwise have adopted. In this connexion, it would be opportune to undertake a juridical study to determine whether or not Article 2, paragraph 4, of the Charter is violated if foreign troops occupy the territory of a State at the invitation or request of its Government. This is a subject which must be of profound concern to the world Organization, since this type of procedure has frequently been adopted so that it can be maintained that the presence of such troops serves the Purposes and Principles of the Charter. In this connexion, my delegation will confine itself to noting the significance of this topic.

16. Nevertheless, in undertaking the suggested study and in fixing the scope of the obligation involved in Article 2 paragraph 4, it should be borne in mind that the obligation is not only to refrain from the threat or use of force against "territorial integrity" and "political independence" but also—and this is important—"in any other manner inconsistent with the Purposes of the United Nations". It would be well to examine the scope of this expression, relating it to specific cases which have arisen, and to determine whether it could justify the situations that have occurred. The study should, unquestionably, be undertaken by politicians, specialists in international affairs and jurists. The topic is a difficult one and does not allow of a priori judgements, which are always dangerous.

17. It should also be borne in mind that by virtue of Article 2, paragraph 6, paragraph 4 of the same Article is also applicable to States which are not Members of the United Nations. Thus, all States—whether or not they are Members of the United Nations—are protected by this guarantee inasmuch as paragraph 4 refers to the "territorial integrity" or the "political independence" of "any State". It could not be otherwise, of course, because peace is indivisible. A breach of peace or security in the re-

^{2/} C. H. M. Waldock, "The Regulation of the Use of Force by Individual States in International Law", *Recueil des cours de l'Académie de droit international*, vol. 81, 1952, II, p. 500.

^{3/} L. Oppenheim, *International Law: a Treatise*, vol. II, *Disputes, War and Neutrality*, seventh edition (ed. H. Lauterpacht), London, Longmans, Green and Co., 1952, p. 154.

motest corner of the earth directly affects all States, because we live in a world where the interests and ties that bind States are such that aggression committed against one people endangers the life and security of all.

18. It should be noted that, according to the wording of paragraph 4, the prohibition refers to "international relations", and this has been another term which has attracted different interpretations. What is meant by "international relations"? Surely they are those relations governed by international law, which, in the generally accepted view, means that the Charter does not prohibit the threat or use of force in situations arising within the domestic jurisdiction of States. In this connexion, some have tried to argue that the concept of domestic jurisdiction covers, or covered, so-called colonial matters.

19. My delegation would like to make one thing very clear in this regard. There can be no question but that a State may use force or the threat of force within its frontiers in situations which are exclusively domestic but, even in these cases, it may not use force or the threat of force in situations which, although they are internal, have international repercussions or affect interests or rights which it is the duty of the international community to protect. Likewise, a State violates the prohibition in the Charter when it uses force or resorts to the threat of force to suppress genuine movements trying to secure the liberation of oppressed peoples, in other words, when force is used to maintain the colonial yoke. The use of force in situations of this kind should also be subject to the provisions of the Charter and should certainly take account of the aims of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

20. In addition to the aspects which I have just mentioned, the study of Article 2 (4) should also cover other points of particular importance. I shall confine myself to enumerating those aspects which have been the subject of study or commentary by the United Nations:

(a) Whether acts which are directed against the political independence of a State, but which do not involve the actual use of armed force, are covered by the prohibition in Article 2;

(b) In what circumstances the use of force at the request of a Government is compatible with the territorial or political independence of the State making the request;

(c) Whether the use of force in furtherance of the purposes of the United Nations, but without the Organization's authorization, is exempt from that prohibition;

(d) Whether the use of force in support of the exercise of the right of self-determination by a people subject to a colonial régime is prohibited by Article 2 of the Charter.

21. The examination of these questions would undoubtedly mean that the study on the definition of aggression must be pursued; that has been of constant concern to the United Nations since the General Assembly's twelfth session. Nobody imagines that this

is an easy matter since such a definition would be the basis for the precise determination of the circumstances in which a State fails to comply with its obligations under paragraph 4 of Article 2.

22. It follows from the above that, under the Charter signed at San Francisco, the only exceptions to the negative obligations stated in Article 2, paragraph 4, are those established in the Charter itself, namely the use of force under the provisions of Chapter VII, which includes the "inherent right of self-defence" and, with the exceptions mentioned earlier, its use in matters of a domestic nature. It is essential that the relationship between Articles 2 and 51 should be established, in order to determine the meaning of the "inherent right of self-defence". In any event, we are glad to subscribe in principle to Kelsen's view that "the effect of Article 51, is to limit the right of employing force in self-defence to the one case of a prior armed attack".^{4/}

23. In this connexion, we must also reject arguments which seek to justify measures of self-protection—which are distinct from those mentioned in Article 51—in favour of the view of Judge Alvarez that the United Nations Charter prohibits the use of force except in the case of self-defence. He held that, consequently, a State which considers that its rights have been violated by another State or that the exercise of its rights has been prevented by illegal acts "must have recourse, not to force but to the Security Council or to the International Court of Justice".^{5/} On the same occasion, Judge Krilov expressed the identical view when he ruled that after 1945, when the Charter of San Francisco came into force, the so-called right of self-protection or the law of necessity no longer applied.

24. Those were the obligations which States reaffirmed when they ratified the United Nations Charter. Nevertheless, with particular reference to the American States, the condemnation of force and the prohibition of war were neither stated nor reaffirmed in 1945 for the first time. From the very outset, the inter-American juridical system established specific and mandatory legal measures by which sanctions could be taken against an aggressor and the fruits of violence or conquest declared illegal. The excellent principle that victory does not beget rights was Latin American in origin and it was on that basis that the legal institutions of the continent developed. During the first International Conference of American States at Washington from 2 October 1889 until 19 April 1890, it was contended that American public law had eliminated the "right of conquest" because a "war of conquest of one American nation against another would constitute a clearly unjustifiable act of violence and spoliation".^{6/} This courageous and noble statement was later embodied in universally accepted public instruments, the main one being the Anti-War Treaty (Non-Aggression and Conciliation) signed at Rio de

^{4/} H. Kelsen, *Principles of International Law*, second edition, New York, Holt, Rinehart and Winston, Inc., 1966, pp. 66 and 67.

^{5/} *The Corfu Channel case, Judgment of 9th April 1949: I.C.J. Reports 1949, p. 42.*

^{6/} J. B. Scott, ed., *The International Conferences of American States 1889—1928* (New York, Oxford University Press, 1931), p. 44.

Janeiro on 10 October 1933, in which the American Republics solemnly declared that they condemned "wars of aggression in their mutual relations or against other States".^{7/} This instrument is still in force for many American States, as is the Briand-Kellog Pact of 1928, which those countries acceded to or ratified. The Eighth International Conference of American States at Lima in 1938 reiterated that: "as fundamental principle of the Public Law of America... the occupation or acquisition of a territory or any other modification of territorial or boundary arrangement obtained through conquest by force or by non-pacific means shall not be valid or have legal effect".^{8/} The same Conference also declared that "the use of force as an instrument of national or international policy is proscribed".^{9/} This whole juridical development culminated in Article 17 of the Charter of the Organization of American States, which stipulated that: "the territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized."^{10/}

25. Such then is the doctrine prevailing in the American continent on the prohibition of war, the condemnation of conquest and sanctions against aggressors. It has the force of *jus cogens*, which is to say that it is a mandatory obligation. Although that doctrine had been reiterated ever since the dawn of independence in the American countries, it is a regrettable fact that, even before the ink of the signatures of the delegates who had signed those instruments and declarations had dried, they had been violated with impunity in this very continent, whose traditions are essentially peaceful. Nevertheless, the principle still stands; the juridical position is unchanged—and we know who it was that violated it.

26. To conclude: Ecuador reiterates its unshakable respect for the principle set forth in Article 2, paragraph 4, of the United Nations Charter and therefore reaffirms its view that:

(a) The Charter prohibits not only war but also any other act of force or hostility;

(b) As Kelsen states, "any use of force, other than that of collective measures, is prohibited by the Charter" because "the collective security established by the Charter is characterized by the centralized monopoly of the force of the Organization itself";^{11/}

(c) The Charter prohibits the use of force as a means of settling disputes or international problems. The contention that one war may be a way of preventing another, bigger war is inadmissible;

^{7/} League of Nations, *Treaty Series*, vol. CLXIII, 1935-1936, No. 3781, p. 405.

^{8/} *Final Act of the Eighth International Conference of American States*, signed at Lima on 27 December 1938, p. 46.

^{9/} *Ibid.*, p. 117

^{10/} United Nations, *Treaty Series*, vol. 119 (1952), No. 1609, p. 48.

^{11/} H. Kelsen, *Principles of International Law*, second edition, New York, Holt, Rinehart and Winston, Inc., pp. 41 and 40.

(d) A State may use force in its international relations only in the exercise of the right of self-defence or in participating in a collective military action decided upon by the United Nations. Unauthorized international police is contrary to the fundamental principles of the Charter and is a unilateral measure of force alien to the United Nations. The maintenance of international peace and security is not the function of any country or particular group of countries; it is the exclusive responsibility of the international community.

27. Ecuador has consistently respected these principles and believes that its own security, and that of other States, depends on their strict observance.

28. Miss BROOKS (Liberia): From this rostrum, during the general debate at this twenty-first session of the Assembly, the Foreign Ministers and heads of delegations have voiced the concern which States Members of the United Nations feel regarding the uneasy situation existing in the world today. Bearing in mind the devastating effects of the Second World War and the development of means for mass destruction, the peoples of the world feel that nations should ponder their new responsibilities, for, of necessity, mankind must, in the words of the Preamble to the Charter: "practise tolerance and live together in peace with one another as good neighbours, and... unite our strength to maintain international peace and security, and... ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest".

29. The creation of the United Nations under a Charter establishing guide-lines for attaining and maintaining international peace and security was the best hope for achieving this goal. The Charter affirmed faith in fundamental human rights, the dignity and worth of the human person, and the equal rights of men and women, and of nations large and small. Article 2, paragraph 4, of the Charter stipulates that:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

30. Article 1, paragraph 2 refers to the development of:

"friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and... other appropriate measures to strengthen universal peace".

31. Since there could be no equilibrium or true peace in a world half free and half enslaved, the Charter further provided, under Chapters XI, XII and XIII, protection of the right of subjugated peoples to self-determination, which is reinforced by the provisions of the Declaration of Human Rights and resolution 1514 (XV) of the granting of Independence to colonial countries and peoples.

32. Twenty-one years have elapsed since the founding of the United Nations and we must admit that, if there were no United Nations, perhaps the world would have been involved in a global war for the third

time, which might have led to the extermination of mankind itself and the civilization which his toil and feelings of glory have created. We assess the achievement of the United Nations in quelling the Cuban situation, and that of the Congo, and the positive aspect of the emergence of so many dependent territories to self-determination and independence to assume their rightful places amongst the community of nations, as positive steps in international relations. However, as Members of an Organization dedicated to the cause of peace, we cannot ignore present trends in international relations which are not in harmony with the letter and spirit of the United Nations Charter.

33. In two areas of Asia, a sort of uneasy peace exists; when, at intervals, violence erupts, Member States resort to force even before taking the question to the Security Council, in spite of the fact that there is a United Nations presence in such areas. In South-East Asia, Viet-Nam has become a fierce battleground, where men, women and children lose their lives daily, including innocent victims who have had no role to play in the power struggle. Worst of all is the fact that some Member States, led by a super-State of this Organization, have allowed themselves to become directly involved in this open conflict, when the undertaking should have been theirs to use their good offices in bringing to an end what commenced in Viet-Nam as civil strife. Whatever the circumstances now are, or were which led to the existing conflict, the situation today demands the fullest co-operation of all parties directly or indirectly concerned, of all Members of the United Nations, and the efforts of the United Nations as a whole, to bring the war in Viet-Nam to an end and to avert its proliferation to neighbouring States and/or a global conflict.

34. We believe that, under the circumstances, the best step would be to seek a solution to the problem through the United Nations, and that every effort should be made to effect this step. We believe that the Secretary-General should be empowered by the Assembly to undertake steps in order to enlist the co-operation of the nations directly concerned to seek a solution through the United Nations, for we feel that, even if peace in Viet-Nam were to be achieved through force, it would not be the sort of peace envisaged by the Charter, nor would it be a lasting peace. Here at the United Nations, however, an equitable solution could be reached, maintaining the rights of the people of Viet-Nam as a whole. We would call upon all States not to undertake any action which would prohibit the use of the United Nations as a means of finding a solution to the Viet-Nam problem. We would call upon the parties directly concerned to enter into a cease-fire agreement, pending a solution to be arrived at through the United Nations.

35. I have referred to the concept that, in a world where international peace and security must prevail, there must be no enslavement. In the process of the liberation of peoples, areas in Africa such as Rhodesia, south West Africa, Angola, Mozambique, the so-called Portuguese Territories, have met with extreme resistance from diehard colonialists who, because of their complex of racial superiority, inflict injustices upon the true owners of the territories to which they themselves are alien. They deny the

indigenous inhabitants their fundamental right to self-determination and, in the violation of the provisions of the Charter, each has its own history and style. In Rhodesia, the illegal racist régime of Ian Smith is daily strengthening its foothold in the territory, carrying out its policies of apartheid and, through threat of force, resisting every effort of the indigenous inhabitants to attain a rightful majority rule, while it perpetuates its brutal racist oppression.

36. In South West Africa, there exists the danger of the annexation of a Mandated Territory to the Republic of South Africa, contrary to the principle of self-determination. The South African Government does not conceal its feeling and attitude of racial discrimination. It was revealed the extent of the territory taken over by Europeans, the differences in political and other rights according to the different races, and the allocation of the Territory's human and material resources, trying to justify the denial of rights to the African majority in the so-called white areas. It is bitterly opposed to majority rule by the Africans, and therefore indulges in acts of repression; seeking to destroy every effort towards self-determination of the peoples of South West Africa.

37. While every peaceful means to obtain for the people of South West Africa the right of self-determination has thus far failed, the South African Government not only uses the threat of force but also force itself against the indigenous inhabitants in their struggle to attain this goal. For some time now force has also been used by the Portuguese authorities against nationalist liberation movements in Angola and Mozambique. At one time Africans were buried alive in Angola with their heads above the ground to be separated from their bodies by bulldozers. Sometimes I am led to wonder what crimes have been committed by the Africans in their homelands: all they desire is what the Charter provides—fundamental human rights, the dignity and worth of the human person, equal rights to self-determination.

38. We believe that international peace and security cannot be achieved through arbitrary actions and that all peace-loving nations have a duty to refrain from the threat or use of force in international relations. We know that while war against the indigenous inhabitants of the territories in Africa which I have mentioned takes many forms and disguises, these obstacles with which the peoples of Africa are faced, in their struggle to gain self-determination and independence, although very difficult and disheartening, are not insurmountable. Jointly through the United Nations and through their own efforts the barriers will be broken down, and they shall become free. In this connexion, the United Nations should take effective steps to prohibit the threat or use of force against the peoples in their struggles for self-determination, and to liquidate all forms of colonialism.

39. In summing up, the delegation of Liberia would like to submit the following: first, that the General Assembly empower the Secretary-General to undertake steps towards achieving the co-operation of the parties directly concerned to seek a solution to the Viet-Nam problem through the United Nations; secondly, all States should refrain from any action which would prohibit the parties directly concerned

from seeking a solution to the problem through the United Nations; thirdly, the delegation of Liberia would beg of the parties directly concerned to enter into a cease-fire agreement pending a solution to be arrived at through the United Nations; fourthly, where any uneasy peace exists between Member States, I would plead that such States would make every effort to practise tolerance and live together in peace with each other, as good neighbours.

40. As to the question of self-determination, the delegation of Liberia would request the United Nations to take adequate steps to prohibit the threat or use of force against the dependent peoples in their struggle for self-determination and to liquidate all forms of colonialism.

41. Finally, we would call upon Member States as a whole to observe strictly the prohibition of the threat or use of force in international relations and the right of peoples to self-determination.

42. The PRESIDENT: Before calling on the next speaker, I should like to say to the Members of the Assembly that it would be of great assistance to me if suggestions which are made in the form of proposals, amendments or resolutions could be put in writing and submitted to the Secretariat as soon as possible. Unless a speaker states that he is making a formal suggestion or proposal, it cannot be considered as such unless it is formally moved.

43. As I indicated last week [1459th meeting], we are considering, in view of the development of the debate, what appropriate time-limit could be agreed upon in principle by the Assembly for the submission of proposals in any form. I have listened very carefully to the statements and I think it will make it much easier for the orderly conduct of the Assembly's work if ideas which delegations may wish to submit to the Assembly for consideration can be submitted in a formal way and in good time.

44. Mr. SHEVCHENKO (Ukrainian Soviet Socialist Republic) (translated from Russian): The delegation of the Ukrainian Soviet Socialist Republic has carefully studied the proposals submitted for discussion to the General Assembly session on the initiative of the delegation of the Czechoslovak Socialist Republic [A/6393 and Corr.1]. The documents dealing with the question of strict observance of the prohibition of the threat or use of force in international relations and the right of peoples to self-determination offer a correct evaluation of the phenomena of present-day international life. Nowadays, when imperialist States on every occasion employ force to crush the national-liberation movements of the peoples of Africa, Asia and Latin America, no one can contest the importance of the Czechoslovak initiative.

45. It is completely clear to us that the adoption of a resolution on this question would exclude the possibility of the threat or use of force in relations between States and would, consequently, strengthen peace throughout the world. We fully share the opinion and views of many other delegations which, in the course of the debates, have voiced serious concern about the dangerous situation that has arisen as a result of the fact that some Members of the United Nations, in defiance of the Charter and flouting their Charter

obligations and the elementary principles of international law, are in the most flagrant fashion using force in international relations, interfering in the domestic affairs of other peoples and suppressing national liberation movements.

46. These countries, in an endeavour to hinder social progress, trample underfoot the principle of equal rights and self-determination of peoples and try to impede the growth of the national-liberation movement and bring to their knees peoples who are fighting for their emancipation.

47. The result of all this is that the dangerous centres of tension and conflicts in recent years are not only not dying out but are, on the contrary, becoming more and more intense, threatening with every possible kind of unforeseeable consequences the cause of peace and progress of the population of the globe.

48. Year after year, now in one and now in another part of the world, acts of flagrant interference by force in the internal affairs of States are being committed and their sovereignty is being violated.

49. Every possible form of violence, including the organization of direct aggression, is being employed against the countries of Asia, Africa and Latin America which are pursuing an independent national policy or waging a fight for their liberation. The use of force in international relations is the principal instrument of imperialist policy in its endeavours to halt the national-liberation movement of colonial peoples for their independence.

50. To be quite frank, I would rather not stir up the past but I need only recall certain generally known facts: 1954—armed intervention by the United States in Guatemala; 1956—aggression against Egypt; 1958—United States troops land in Syria and Lebanon. Everyone will recall also the series of aggressive actions against the Republic of the Congo, the invasion of, and acts of provocation against, Cuba, the intervention in the Dominican Republic, the armed violence perpetrated on the peoples of Angola, Mozambique, Southern Arabia. All that is far from being a complete enumeration of the forcible actions characterizing the essentially aggressive conduct of the imperialist Powers which resort to force in international relations. The policy of using force and crushing national-liberation movements constitutes the main reason for international tension and the aggravation of relations between States with different social systems.

51. It is regrettable that certain States are endeavouring to legitimize the policy of the use of force in international relations and elevate it to the rank of official State policy.

52. A striking manifestation of the policy of the use of force in international relations at the present moment is presented by the United States war of aggression in Viet-Nam which is fraught with dangerous consequences for the cause of world peace and international security. United States aggression in Viet-Nam is in flagrant contradiction with the generally-recognized principle of the prohibition of the threat and use of force which has been embodied

in many international instruments and, above all, in the Geneva Agreements.

53. Whatever the justifications advanced by United States representatives, whatever they may say about the so-called "defence of the national interests" of the United States in Viet-Nam, it is absolutely clear to every unbiassed person that the United States is waging here a very real aggressive war in order to suppress the aspirations of the Viet-Nameese people for freedom and independence and also in order to enrich American monopolies.

54. On this subject Mr. Eisenhower, ex-President of the United States, in an address made in 1953 to the State Governors, said:

"Let us assume that we lose Indo-China. If Indo-China goes several things happen right away... Tin and tungsten that we so greatly value from that area would cease coming... So when the United States votes \$400 million to help that war, we are not voting for a give away programme. We are voting for the cheapest way that we can to prevent the occurrence of something that would be of the most terrible significance for the United States of America—our security, our power and ability to get certain things we need from the riches of the Indonesian territory, and from South East Asia."

55. Secretary of State, Rusk, speaking on 24 May 1966 in the Foreign Affairs Committee and confirming the reasons which had led the United States to give its so-called "commitments" regarding South East Asia, pointed out that those commitments had first been given by President Truman, who in so doing was thinking mainly of "the natural resources and strategic importance of that region".

56. Thus, the question essentially amounts to this—by means of force to convert Viet-Nam into a military and political base, utilize its natural wealth for the enrichment of American monopolies and strengthen the military potential—those are the real purposes of the United States war in Viet-Nam as admitted by the former and present leaders of United States foreign policy.

57. The aggressive character of the war cannot be disguised either by references to the so-called "liberating mission" of the United States vis-à-vis the dictatorial régime in South Viet-Nam. The Saigon régime, created by the United States itself, is maintained solely on American bayonets against the will of the overwhelming majority of the population of South Viet-Nam. The representatives of Saigon who were recently present in Manila expressed the readiness of the South Viet-Nam puppet régime "to train and muster a large number of armed forces for mopping up and containment operations so as to create a shield under the cover of which a new society could be built up". One might venture to ask against whom the South Viet-Nam puppets are conducting and further preparing to conduct "military mopping-up and containment actions and create an armed shield"? Against their own people who are fighting for social and national liberation and the overthrow of the puppet régime.

Mr. Idzumbuir (Democratic Republic of the Congo), Vice-President, took the Chair.

58. Nor can anyone be misled either by the manoeuvres of the United States delegation when it talks about the peaceful intentions of the United States Government, about its desire to begin negotiations for a peaceful settlement of the Viet-Nam problem. It has become traditional for this kind of declaration to be followed by a fresh escalation of the war in Viet-Nam. While the representatives of the United States are talking here about peace negotiations, the United States Secretary of Defence, Mr. McNamara, who paid a special visit recently to South Viet-Nam, and General Westmoreland are taking steps to expand still further aggressive actions against the Viet-Nameese people.

59. The real intentions of the United States Government and its allies in aggression against Viet-Nam are fairly clearly revealed by the documents of the conference recently concluded in Manila. In these it is frankly stated: "We shall continue our military and all other efforts as firmly and as long as necessary." The documents do not contain a single reference to the United States halting its barbarous bombings of the territory of the Democratic Republic of Viet-Nam, although unless this happens there can be no talk of peace. The withdrawal of foreign troops from Viet-Nameese territory is hedged around with reservations which nullify any practical possibility of a peaceful settlement of the Viet-Nam problem.

60. The interests of peace and international security, however, insistently require the United States to end unconditionally the aggressive war against the people of Viet-Nam, to withdraw their troops and allow the Viet-Nameese people to settle their own future themselves.

61. The aggressive actions of the imperialist Powers are causing untold sufferings to millions of people, above all, to people who are compelled, often with arms in their hands, to defend their freedom and independence. Moreover, aggression, like any other use of force aimed at suppressing the freedom and independence of peoples with a view to violating territorial integrity and political independence of States, always represents a serious threat to world peace and creates the danger of a world conflict.

62. And yet aggressive war and the use of force in international relations, condemned by the Paris Pact of 1928 and the Nürnberg and Tokyo War Crimes Tribunals, contradict the principles of the United Nations Charter and the elementary rules of international law.

63. In setting up the United Nations, States, speaking on behalf of their peoples, expressed their determination to save succeeding generations from the scourge of war and solemnly undertook to unite their strength to maintain peace and develop friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples.

64. The United Nations Charter clearly states that all States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not en-

dangered. According to the Charter, all Members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations. The implementation of these lofty purposes and ideals constitutes the fundamental reason for the existence of the United Nations.

65. This, too, is what is called for by the declaration introduced on the initiative of the Czechoslovak Socialist Republic. The declaration prohibits arbitrary action and violence in international relations, calls for respect for the inalienable rights of States and peoples and assistance in developing international collaboration in the interests of the peace and progress of all countries, whether great or small.

66. That is why we feel it is the sacred duty of all United Nations Members and of the Organization itself to rise resolutely to the defence of the principles of the Charter that are being violated and demand that they be unswervingly and unconditionally observed.

67. This is precisely why the delegation of the Ukrainian Soviet Socialist Republic wholeheartedly supports the initiative of Czechoslovakia suggesting the adoption by the General Assembly of a special declaration that would ensure strict observance of the prohibition of the threat and the use of force and of the principle of self-determination of peoples which represent the corner-stone principles forming the foundation of the United Nations Charter. The declaration must, first of all, solemnly affirm the above-mentioned extremely important principles and emphasize that all States are bound to observe them without any conditions or reservations.

68. It must also be affirmed that aggressive and interventionist activities directed against peoples fighting against colonialism for independence and self-determination, as well as the use of force against States and peoples defending these, their inalienable rights, and the employment against them of repressive measures of a military, economic, political or other nature are unlawful and inconsistent with the honour and conscience of peoples and the Charter of the United Nations. The time has passed when imperialists wielded undivided dominion over colonial and dependent countries, robbed and oppressed their peoples and all these crimes, committed by means of force, were obliterated and remained unpunished. By adopting the declaration the General Assembly would be proclaiming the principle of non-resort to force or forcible actions against the peoples of colonial and dependent countries fighting for their freedom and independence.

69. The General Assembly should appeal to all United Nations Members urgently to refrain from taking such action as would be inconsistent with the basic principles of the Charter and to bring their policy into harmony with the interests of peace and security, undertake all steps necessary for ending and prohibiting actions involving the use of force in relations between States, render help and assistance to States and peoples that have been attacked and bend every effort to reduce international tension and strengthen

world peace and security and the peaceful coexistence of States, irrespective of differences in social structure.

70. The delegation of the Ukrainian Soviet Socialist Republic considers that the adoption by the General Assembly of such a declaration would help to lessen international tension, ensure peaceful relations between States and their security and safeguard the inalienable rights of peoples fighting for freedom and independent development. This would reinforce the fundamental principles of the Charter and raise the international authority of the United Nations and its role in international affairs. Consequently, in supporting the initiative taken by Czechoslovakia, the delegation of the Ukrainian Soviet Socialist Republic trusts that it will meet with the understanding and support of all who are concerned about the future of peace and progress—who are trying to find a solution to the dangerous situation that is threatening the whole of mankind.

71. Mr. YANKOV (Bulgaria): The delegation of the People's Republic of Bulgaria greatly appreciates the initiative of the Government of the Czechoslovak Socialist Republic in submitting for discussion by the General Assembly the question concerning the "Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination" [A/6393]. There are many compelling reasons which lead us to the conclusion that this item deserves, indeed, most serious consideration, and it requires appropriate and urgent action by the General Assembly in seeking to improve the actual state of international relations.

72. We need not emphasize that this conclusion results from the assessment of world affairs and the vital importance of the strict and undeviating observance of the two mentioned principles of international law; in fact, each of them, by itself, constitutes an indispensable prerequisite for peace and security, international justice and mutual respect for the rights of all nations. These are two cardinal principles of modern international law, upon which are based international stability and the rule of law in international intercourse; for their violation leads inevitably to increased tensions, dangerous conflicts and direct threats to international peace and legality.

73. The use of force has always covered a considerably wide range of action—from the recourse to military, political and other pressures and coercive devices to the use of armed forces in overt aggressions. It has always hindered the normal course of international relations, and has had a deteriorating impact on international peace and stability. But, today, the threat or use of force may easily turn into military confrontations leading to a thermonuclear holocaust.

74. Only a few decades ago, earlier political concepts and the traditional doctrine and practices of international law in effect admitted, and even sanctioned, the use of force as an instrument of foreign policy. A powerful State was free to wage an aggressive war in order to achieve its imperialist goals. The international community was merely a passive witness which had to obey the doctrine of might and

accept the situations resulting from the resort to force.

75. The history of Nazi expansion and the last world war are the bitterest and most expensive lessons of the recent past. The League of Nations was then only an impotent observer of the escalation of the policy of the threat or use of force which culminated in the sinister Nazi aggression. The League took no effective preventive or enforcement measures to put an end to this policy. The Covenant even stipulated that States could not resort to war until three months had elapsed after an arbitral or juridical settlement had failed, which implied that after this period had elapsed war was justified as an instrument for solving international disputes.

76. But the doctrine that might makes right was condemned by world public opinion. This was an evolution of immense moral, political and legal significance which marked one of the most important achievements of modern international law. This evolution found its universal recognition in the Charter of the United Nations, namely in Article 2 (4) of the Charter, which categorically proclaimed that the threat or use of force was prohibited. Today, this principle enjoys general recognition as a peremptory rule of international law. Its observance is considered an inviolable tenet of international relations.

77. However, the general, universal and solemn prohibition of the threat or use of force as a rule of law is not matched by the deeds of the imperialist Powers. They still adhere to the doctrine and practice of the illicit use of force as an instrument for world domination.

78. In this connexion, we fully share the view expressed by the heads of non-aligned States in Cairo in 1964, that:

"Imperialism uses many devices to impose its will on independent nations. Economic pressure and domination, interference, racial discrimination, subversion, intervention and the threat of force are neo-colonialist devices against which the newly independent nations have to defend themselves."^{12/}

79. The present international situation completely justifies this assessment. We are now witnessing the fact that, all over the world, when peoples decide to exercise their right to self-determination and to settle their internal affairs without interference and to pursue an independent foreign policy, the imperialist forces appear in the role of world policemen who want either to retain the unfortunate and unjust status quo or to impose their will by threats, pressures, provocations and military force.

80. This policy is the source of international tension. It is the source of acute crises and dangerous breaches of peace in many parts of the world. The manifestations of the policy of the threat or use of force are numerous, and their perpetrators are well known. Many of them have already been exposed during the present session of the General Assembly under different items of the agenda.

81. There is no doubt that the principle of the prohibition of force and the right to self-determination indeed received a serious set-back with the military intervention of the United States in South Viet-Nam and its aggression against the Democratic Republic of Viet-Nam. These actions of the United States represent the most flagrant cases of violation, both of the principle of the prohibition of the threat or use of force and of the principle of the right of peoples to self-determination. The situation in Viet-Nam today is the most convincing proof of the harmful impact and implications of these violations. It also provides undeniable evidence of the close interconnexion between the use of force as an instrument opposing free expression and the exercise of the right to self-determination.

82. The United States, when it failed by political means to break the will and determination of the people of South Viet-Nam to freedom and independence, resorted to overt use of military intervention and aggression in order to impose its own will on the Viet-Nameese people and to solve by military means the political problems of Viet-Nam. They applied the formula of Theodore Roosevelt, the "big-stick" President, according to which "the diplomat is the servant, not the master, of the soldier".

83. A few days ago, at the opening of the debate on the item under consideration, the representative of the United States explained that the very core of the Viet-Nameese conflict is the right of the Viet-Nameese people to self-determination. It is true that the core of the Viet-Nameese problem is the right of the people of South Viet-Nam to determine their own political structure and to settle their own national problems, including the reunification of their divided country. But if the Government of the United States really and sincerely shares this view, then why did the United States put into operation all its methods of interfering in the domestic affairs of South Viet-Nam the day after the signing of the Geneva Agreements of 1954? Why did it establish its military bases on the territory of this country in flagrant violation of these agreements? Why did it resort to political interference, mastering one puppet régime after the other, and imposing them on the people by all kinds of political intrigues?

84. How can the right of the people of Viet-Nam to self-determination be reconciled with the invasion of a regular American army of over 350,000 soldiers, not counting the troops dispersed in military bases in neighbouring countries and the contingent of the Seventh Fleet? How can the brutal and harsh extermination of the South Viet-Nameese people undertaken by the United States Army be reconciled with the right of the very same people to self-determination? And, finally, how can the United States keep pace with its obligations under the United Nations Charter, including the obligation to refrain from the use of force against the territorial integrity and political independence of the sovereign State of the Democratic Republic of Viet-Nam, while subjecting it to bombing raids and chemical weapons? How can the United States justify its military attacks and provocations against Cambodia, Laos and the People's Republic of China?

^{12/} Document A/5763, sect. I.

85. The United States cannot delude world public opinion by hiding each escalation of the war with declarations and so-called initiatives for peace and peaceful negotiations. The political isolation of the United States on the Viet-Nam issue is the most convincing world reaction to its aggressive policy and hypocritical justifications.

86. Most recently, the noisy statements for a peaceful settlement of the Viet-Nameese problem made at the Manila Conference could not hide the intensification of the aggression in Viet-Nam. The Viet-Nameese conflict can be solved if the United States adheres to the policy of strict observance of the prohibition of the threat or use of force against the people of Viet-Nam and their right of self-determination.

87. This is what the Government of the Democratic Republic of Viet-Nam and the Front for National Liberation of South Viet-Nam have proposed, namely, the cessation of United States bombing raids over the Democratic Republic of Viet-Nam and its military actions in South Viet-Nam, the withdrawal of its troops and those of its allies, together with the military equipment, so that the Viet-Nameese people can solve their own national problems in exercising their right to self-determination. These proposals fully correspond to the Geneva Agreements of 1954.

88. The United States aggression is, beyond any doubt, the most flagrant violation of the principles under consideration and has the gravest consequences for the present international situation. However, it is not the only one. The United States resorts to gunboat diplomacy, to the threat and use of force, in different parts of the world. Various United States agencies and institutions are utilized as instruments of this policy.

89. The Republic of Cuba is subjected to constant threat and pressure, but its people is determined to build its own social and political system in freedom and independence. The United States has put into operation against Cuba a whole spectrum of devices, from overt military attacks and provocations to different forms of intimidation, including military, political, economic and other pressures.

90. We are all fully aware of the brutal military intervention of the United States in the affairs of the Dominican Republic; almost the same devices are being used in the Middle East. The efforts of the Arab States for independent economic and political development and their policy against imperialism and colonialism do not please the United States and its allies in the aggressive military blocs.

91. The number of military provocations against the People's Democratic Republic of Korea has increased considerably. There were thirty-three military attacks along the demarcation line between 20 October and 3 November of this year. They are an indication that the United States and the South Korean régime are trying to increase the tension in this area, which constitutes a serious threat to peace in Asia and in the world.

92. The interests of peace and peaceful coexistence among States with different social and political

systems require a strict and undeviating prohibition of the illegal use of force, threat, provocation and pressure.

93. The prohibition of force and respect for the right to self-determination ought to be applied, not only to peoples who have succeeded in setting up sovereign States; these principles must be applied equally to peoples under colonial domination, struggling for their liberation and national independence. The right to self-determination is an inherent right of all peoples, including those who are under colonial rule. It is obvious that this right would be meaningless if the colonial Powers use violence to keep their domination and if the colonial peoples are not entitled to defend themselves against their oppressors.

94. The right to self-determination, by its very nature, constitutes an assertion of independence and the free choice of political, social and cultural institutions, and is inconsistent with external intervention, coercion or pressure. Any form of resort to force against the exercise of this right must be considered as an infringement of international law. This was solemnly proclaimed by the Declaration on the Granting of Independence to Colonial Countries and Peoples. For its part, the Cairo Declaration, defending the right of peoples to self-determination, condemned: "the use of force, and all forms of intimidation, interference and intervention which are aimed at preventing the exercise of this right".^{13/}

95. It is also being recognized more and more that the colonial peoples have a right to use whatever means they find appropriate to defend their right to self-determination. The recognition of the legitimate character of the struggle against colonialism is one of the greatest moral, political and juridical achievements of the anti-colonialist movement in which the United Nations has played a significant role.

96. But the forces of colonialism and imperialism still persist. The colonial Powers resort to the most brutal means of force and violence against the peoples fighting for their national liberation and independence. The peoples of Angola, Mozambique, so-called Portuguese Guinea, Aden, Oman and South West Africa are the targets of the most violent oppression and terror. The people of Zimbabwe are subjugated to a cruel régime of racial discrimination and brutal domination by the illegal régime of the white minority.

97. The General Assembly must not remain a silent or a passive observer of these criminal acts of colonialism. It should raise its voice against the perpetrators of acts against the principles embodied in the Charter and generally recognized by the international community.

98. The delegation of the People's Republic of Bulgaria supports the eleven-Power draft resolution [A/L.493], which tackles adequately the pertinent points of the item under consideration and could be used as an appropriate political instrument. We believe that this draft declaration will receive the support of almost all delegations, because it genuinely reflects the urgent character of the problem under

^{13/} *Ibid.*, sect. II.

consideration and the need for proper and effective action. It reiterates the two fundamental principles of international law and urges all States to comply with them, in conjunction with the present international situation.

99. We are firmly convinced that, if all States refrain from the threat or use of force and respect the right of peoples to self-determination, as the

draft declaration requires, there will be, indeed, a lessening of international tensions and more confidence among all nations. By approving this draft declaration, the General Assembly will perform an important function as an influential generator of world public opinion and in the search for peace, security and international co-operation.

The meeting rose at 4.50 p.m.