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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 (concluded) 1

President: Mr. Aboul Rahman PAZHAWAK
(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 (concluded)*

1. The PRESIDENT: This afternoon the Assembly will conclude consideration of agenda item 92. As a result of constructive consultations, of which I informed the Assembly in my statement of 17 November [1469th meeting], I understand that a new joint draft resolution has been submitted [A/L.501 and Corr.1].
2. I call on the first speaker, the representative of Austria, Chairman of the working group on this matter.
3. Mr. WALDHEIM (Austria): The Austrian delegation has carefully studied the proposals and the various statements made in the course of the debate with regard to item 92 of our agenda. The question, which was submitted to the General Assembly through the initiative of the delegation of Czechoslovakia [A/6893] is of utmost importance for the development of co-operation among States. The observance of the prohibition of the threat or use of force and of the principle of self-determination of dependent peoples is a most essential requisite for the maintenance of international peace and security. These two principles constitute, without any doubt, pillars of the Charter of the United Nations.
4. The prohibition of the threat or use of force in international relations has been a matter of constant concern to the community of nations. Despite the avoidance of major confrontation and despite the achievements in the field of self-determination of dependent peoples, neither principle has been fully implemented. There was a frequent resort to violence in many forms since the adoption of the Charter and, as was stressed by several speakers in the course of the debate on this item, peace has never been really universal in the more than twenty years of the history of our Organization. The debate has clearly shown the deep concern about the potential dangers inherent in existing conflicts, which constitute a serious threat to

world peace and a source of tension detrimental to the development of friendly relations among states.

5. The prohibition of the use or threat of force derives in its most binding form from paragraph 4 of Article 2 of the Charter. It cannot be denied, however, that this Organization has, in a number of instances, not been able to ensure compliance by all States with the prohibition set forth in that provision. Nor has the United Nations always been successful in ensuring the application of the principle of self-determination of dependent peoples. My delegation therefore welcomes any initiative or constructive suggestion concerning the strict observance of such basic principles as those referred to in the proposals contained in draft resolutions A/L.493 and Add.1-2, A/L.495 and A/L.498.

6. It is in that spirit that the Austrian delegation has actively participated in the efforts by the co-sponsors of these three drafts with a view to achieving a text acceptable to all. A working group composed of the representatives of the sponsors of the three drafts as well as my own delegation has, during the past two weeks, tried to overcome the substantive and practical difficulties which result from a different interpretation of, and approach to, the question before us. Let me tell you in all frankness that our negotiations required much patience, readiness to co-operate and, above all, devotion to the common goal. After a series of protracted and difficult meetings, the co-sponsors of the three draft resolutions realized that there was enough common ground to attempt achievement of a text reflecting in a satisfactory way the different views of the negotiating parties.

7. There were a number of basic questions raised. One of them was the wording of the paragraph concerning the legitimacy of the struggle of peoples under colonial rule to exercise their right to self-determination and independence, and the right of every nation to choose freely and without any external interference its political and economic systems. Another was the question of how to formulate a paragraph recognizing that peoples subjected to colonial oppression are entitled to seek and receive support and assistance.

8. The text of the third and fourth preambular paragraphs of draft resolution A/L.501 and Corr.1 is the result of long and strenuous negotiations and of a common effort by all negotiating parties to reach a compromise formula.

9. Still another question relates to operative paragraph 1 (b) of section I of the same draft resolution dealing with such basic rights as freedom, self-determination and independence, and their proper placing in the text of the resolution. The final wording, stating that "Any forcible action, direct or in-

*Resumed from the 1469th meeting.

direct, which deprives peoples under foreign domination of their right to self-determination and freedom and independence and of their right to determine freely their political status and pursue their economic, social and cultural development constitutes a violation of the Charter of the United Nations", reflects the agreement reached by the members of the working group.

10. There was also the question of whether and to what extent resolutions 1514 (XV) and 2131 (XX) should be quoted in our text. In a spirit of co-operation that problem was solved through the wording agreed upon in the last preambular paragraph.

11. Finally, there was the problem of how to formulate the last two paragraphs of the draft resolution contained in section II of the text. After intensive consultations the sponsors of the three draft resolutions have agreed that I should present the following explanation of section II of the new text.

12. The purpose of section II is to refer the present resolution and the records of this debate to the Sixth, or Legal Committee, and the Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, which are studying the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations. It is recognized, of course, that these Committees are the bodies which deal with the formulation of legal principles. It is for use in that task that these materials are referred.

13. My delegation is gratified that the sponsors of the three draft resolutions [A/L.493 and Add.1-2, A/L.495 and A/L.498] were able to reach agreement on the text contained in document A/L.501 and Corr.1.

14. On this occasion I wish to pay tribute to the delegations of Algeria, Canada, Costa Rica, Czechoslovakia, Denmark, India, Norway, United Arab Republic, the United States of America, and Yugoslavia, which represented the sponsors of the three draft resolutions in the working group, for their spirit of co-operation and their tireless efforts to arrive at a draft acceptable to the three groups of co-sponsors. I should also like to express my deep gratitude to the President of the General Assembly for his understanding and patience with regard to the efforts of our working group. His readiness to grant us enough time for our task, as well as his valuable advice in difficult moments, was of great assistance to our work.

15. In conclusion, I should like to point out that draft resolution A/L.501 and Corr.1 has received the co-sponsorship of a great number of delegations, representing all regions of the world. Though it might not entirely meet the concern and preoccupation of all delegations, I nevertheless trust that it will receive the full support of this Assembly.

16. Mr. BOUATTOURA (Algeria) (translated from French): My delegation has the honour to submit to this Assembly, on behalf of its sponsors, draft resolution A/L.501 regarding agenda item 92 of the current session, entitled "Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination"

17. As you know, three draft resolutions were submitted at the end of the general debate; however, such an important and serious question, concerning the very essence of our Organization, required clear-cut, unanimous conclusions.

18. While we recognize that each State represented here has subscribed to the principles of the Charter, in particular those now under consideration, it was useful to specify their scope and to determine what their useful and practical significance was.

19. The long discussions, and sometimes even the differences between the various delegations that had helped to prepare this draft resolution emphasize our Assembly's deep concern over the present situation and the need to adopt measures to strengthen the practical scope of the principles on which our Organization is based.

20. I should like to take this opportunity to point to the determination and spirit of co-operation which prevailed throughout this preparatory work.

21. The draft resolution as a whole reflects a dynamic approach to the two principles and translates them into current international political terms. In any case, it reflects the danger inherent in the use of force for world peace and security in the present international situation, and it brings out the principle that the exercise of the right of peoples to self-determination encourages friendly relations and co-operation between States.

22. The draft resolution's sponsors did not intend to act as lawmakers, and the two principles—non-recourse to the threat or use of force in international relations and the right of peoples to self-determination—were approached and formulated mainly along political lines.

23. However, it has been acknowledged that this draft resolution, once adopted, together with the records of our debates, could throw light on the future work of the Sixth Committee and the Special Committee in their study of the seven principles of international law concerning friendly relations and co-operation among States.

24. In this particularly troubled time—when dangerous situations arise from the arbitrary use of force in international relations and against the free exercise by peoples under colonial domination of their right to self-determination and independence—it is essential to remind States of their obligation strictly to respect the principles of the Charter.

25. The threat or use of force by one State against the territorial integrity or political independence of another constitutes a violation of international law giving rise to the international responsibility of the aggressor. Peoples cannot be prevented by force from exercising their right to determine freely their political status and pursue their economic, social and cultural development.

26. The sponsors also considered it necessary to condemn once again any direct or indirect action which deprives people under foreign domination of their national identity. It is only natural that peoples under colonial rule, which is a continuous and illegal

use of force, should be able to seek and receive all the support they can in their struggle to exercise their right to self-determination and independence. The full exercise of this right would eliminate the major cause of international tensions.

27. This draft resolution recognizes that colonialism must of necessity die out and appeals to States to undertake all necessary measures with a view to facilitating the exercise of the right of self-determination of peoples under colonial rule. This Organization has played a very important part in bringing about the collapse of colonialism; it should complete its task by helping to eliminate all forms of foreign domination, of which the colonial or neo-colonial type is the most flagrant denial of the inalienable rights of peoples. Although many nations have attained national sovereignty in recent years, decolonization has not been fully achieved all over the world. Foreign domination seeks, through concerted and considered action, to deny the national identity of the subjected people. A new form of domination then emerges, based on a policy of settlement or separate administration. In other instances, the administering Powers wield force as a political weapon.

28. Our Organization must assist the peoples who are struggling to safeguard and regain their national identity. These peoples are entitled to seek and receive support and assistance.

29. The sponsors of the draft resolution felt that it was important to reaffirm that the use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights. It is the task of our Organization to save the world from the scourge of war. But if international peace and security are to be safeguarded, the causes of world tension must be eliminated. States will be able to achieve the optimum conditions for international peace and security only in so far as they subscribe to the fundamental principles of the Charter. Those conditions can be attained only if justice is respected. States must reject the notion that might makes right. They must fully recognize the need to harmonize their policy with the interests of international peace and security.

30. The sponsors of the draft resolution thought it advisable to remind States that a breach of peace results from the refusal of some States to place the interests of the international community above private interests and to make their activities conform with the principles and purposes of the United Nations Charter. If States undertake the necessary measures with a view to facilitating the exercise of the right of self-determination of peoples under colonial rule, we shall thereby have helped to strengthen peace and promote friendly relations and co-operation among States by eliminating a major cause of tension. Our draft resolution thus appeals to States to assist the Organization in accomplishing its task. States have the duty to identify themselves with the principles and purposes of our Charter. The elimination of hot-beds of tension caused by interference in the internal affairs of States, by the failure to respect the sovereign equality of States or by depriving peoples of their national identity, is the basis for co-operation among nations and peoples.

31. The draft resolution's sponsors realize that they have taken only one step on the long and difficult path towards an international society based on the effective principles of the equality of peoples and nations, of friendly relations and the right of peoples to self-determination. By reaffirming the peaceful principles of our Charter, we are helping to dispel the notion that our Organization cannot enhance its prestige in the public eye. In submitting the draft resolution to this Assembly, we shall have helped to pave the way for peaceful co-operation in accordance with the principles of the Charter. We believe that the delegations' support for this draft resolution is bound to increase our Organization's ability to deal with the situations that threaten the world. The United Nations thus will be able to accomplish its main task, which is the maintenance of international peace and security.

32. Mr. TINOCO (Costa Rica) (translated from Spanish): The delegation of Costa Rica has particular pleasure in being able to co-sponsor draft resolution A/L.501, in co-operation with twenty-one other delegations of countries of differing ideologies, races and regions. We are guided by our deep conviction that the purposes embodied in this draft will, if endorsed by a broad majority of this Assembly, as we hope they will be, constitute a new structure in building a peace based on right and justice, which is, and will always remain, the *raison d'être* and essential objective of the United Nations.

33. The draft resolution reflects the concern felt by States which love peace and respect the law in the face of situations created by the arbitrary use of force in international relations, which constitute a direct threat to the peace and the security of nations. The draft resolution makes an urgent appeal to States, not only to Members of this Organization, but all States in the world, to exert every effort and undertake all necessary measures to reduce international tension, strengthen peace and promote friendly relations and co-operation among States, whether or not they are Members of this Organization.

34. But as a peace which is not based on law and justice is not a lasting peace, the draft resolution does not confine itself, nor could it confine itself, to a mere appeal to States or Governments. It also reaffirms the rights and principles which are already enshrined in the valuable body of declarations and resolutions adopted by this General Assembly and in other documents which represent the improved jurisprudence or the law of the United Nations.

35. In the first preambular paragraph of draft resolution A/L.501, the attention of States is drawn to the fundamental obligations incumbent upon them in accordance with the Charter signed at San Francisco: the obligation to refrain from the threat or use of force against the territorial integrity of political independence of any State or in any other manner inconsistent with the purposes of the United Nations and the obligation to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.

36. Operative paragraph 3 reminds all Members of their duty to give their fullest support to the endeavours

of the United Nations to ensure respect for an observance of the principles enshrined in the Charter and to assist the Organization in discharging its responsibilities assigned to it by the Charter for the maintenance of international peace and security.

37. The central idea of the document continues to be peace, not peace at any price, not peace based on force, on disregard of the law, on contempt for the ideals and principles which have inspired this Organization of sovereign nations, but peace which is firmly based on the recognition of the right of every people to self-determination and consequently its right to be respected in the permanent exercise of its sovereignty, both internal and external, which includes, of course, its right to be aided in the defence of this right against any act of aggression, whether overt or concealed.

38. For this reason, the draft resolution, in order to remove any possible doubt, recognizes and reaffirms principles already embodied in essence in the Declarations contained in General Assembly resolution 1514 (XV) and 2131 (XX), which the nations of Africa, Asia and Latin America consider the pillars of the law that has been developed by the United Nations. For this reason, the sixth preambular paragraph recalls resolutions 1514 (XV) and 2131 (XX), and preambular paragraphs 3 and 4 expressly recognize and reaffirm the right of peoples under colonial rule to self-determination and independence and to seek and receive all support in their struggle in accordance with the purposes and principles of the Charter. Operative paragraph 1 (b) reaffirms the provisions of resolution 2131 (XX) and reaffirms that:

"Any forcible action, direct or indirect, which deprives peoples under foreign domination of their right to self-determination and freedom and independence and of their right to determine freely their political status and pursue their economic, social and cultural development constitutes a violation of the Charter of the United Nations. Accordingly, the use of force to deprive peoples of their national identity, as prohibited by the Declaration on the Inadmissibility of Intervention in Domestic Affairs of States and the Protection of Their Independence and Sovereignty contained in General Assembly resolution 2131 (XX) constitutes a violation of their inalienable rights and of the principle of non-intervention."

39. Draft resolution A/L.501 is the result of lengthy and useful conversations between the delegations of the States which had submitted draft resolutions A/L.493 and Add.1-2, A/L.495, A/L.497 and A/L.498. It is tangible proof of the good results that can always be achieved when men are moved by understanding and goodwill. I am gratified to acknowledge that such a spirit animated the group of delegations that sponsored these drafts. I am particularly gratified to express my respect and gratitude to the representative of Austria who, with consummate patience, ability and intelligence, guided the conversations, which initially seemed difficult and held out little hope of the happy results that were finally achieved, thanks to the intelligence, ability and understanding displayed.

40. To you, Mr. President, we should like to express our gratitude and thanks for your understanding in

granting the many postponements of the debate we requested to give us time to complete our work.

41. In conclusion, I would express the hope that the General Assembly will approve the draft by a vote large enough to ensure that the declaration will constitute a new pillar in the body of law that we are building.

42. Mr. BEAULIEU (Canada) (translated from French): The new draft resolution before the Assembly (A/L.501) replaces three others (A/L.493 and Add.1 and 2, A/L.495 and A/L.498) which different groups of delegations submitted several weeks ago. I see no need to go back and recall the concern aroused both by the substance of the original texts and by the tone of the discussions they gave rise to.

43. Canada had joined several other delegations in sponsoring draft resolution A/L.498 which, we had hoped, would have put the important question we are dealing with back in its proper perspective and could have gained wide support. We believe that our discussions would have proved most fruitful had they led to the adoption of a clearly and simply worded resolution which, among other objectives, would have accomplished the following: 1. recommended that the principles of the prohibition of the use of force and of the right of peoples to self-determination should receive priority in the future elaboration of the principles of international law concerning friendly relations; and 2. requested the Secretary-General to include the records of the debate, together with the various proposals and suggestions made, among the documentation to be considered in the further study of those principles.

44. As we are aware, the three groups agreed to consult in the hope of bridging the gaps between their points of view. During the past week representatives of the three groups have held many intensive conversations which have enabled us to reach agreement on the text now before us.

45. I have no intention of commenting in detail on the new draft resolution. The Chairman of our Working Group, the representative of Austria, has ably and clearly done so.

46. I should simply like to pause further over section II of draft resolution A/L.501, which stresses the need to elaborate principles of international law concerning friendly relations and co-operation among States. As you are aware, Canada took an active part in the Special Committee's work and, along with other countries, submitted to that Committee proposals directly related to the subject now under discussion. We also know that the Sixth Committee has in the course of its existence dealt with several legal questions having very serious and far-reaching political implications. One item it has had before it—agenda item 87—deals with two of the concepts raised in this discussion: (1) the principle that States must 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; and (2) the principle of equal rights and self-determination of peoples. The Sixth Committee and the Special Committee have been carefully studying these two prin-

ciples for more than two years. Canada feels that it would be a major accomplishment if the Special Committee could, after having its mandate extended, agree on a statement in the terms of international law of the seven principles of the Charter concerning friendly relations, including the two principles just mentioned. After all, the Sixth Committee and the Special Committee were asked to study these principles as a result of a General Assembly decision. We should allow this Committee and the other United Nations bodies to pursue their work and should wish them success.

47. That would seem to us to be the best way to proceed. Such a course would ensure that the bodies most competent from the legal point of view to deal with these two principles would take into account all the opinions and proposals expressed here and that in addition the principles themselves would be given priority.

48. That is why the Canadian delegation has insisted that the two paragraphs constituting section II should be inserted in the new text. Throughout our discussions we have upheld the view that the political nature of section I of the draft resolution in no way prejudices either the legal study of the two principles to be undertaken or their future codification. It has been our clear understanding that this proposal had been generally approved.

49. Because my delegation attaches considerable importance to the interpretation of this draft resolution and more particularly of the paragraphs in section I, we should like to describe it as a reaffirmation of the purposes and principles of the Charter, and of resolutions 1514 (XV) and 2131 (XX), which we continue to support as an expression of the political will of the Assembly.

50. In the light of these observations, the Canadian delegation was pleased to co-sponsor the new draft resolution. I now wish only to express, on behalf of my delegation and the sponsors of draft resolution A/L.498, our most sincere appreciation to the representatives of the different groups who took part in our consultations. All displayed a spirit of understanding and were eager to work together to reach a solution which, though not ideal, fulfils the purpose of our work. I also think it appropriate to mention here the great contribution of the Chairman of our Working Group, Mr. Waldheim, whose inexhaustible patience and skill in making suggestions enabled the different groups to agree on a joint text.

51. The PRESIDENT: Before we proceed to the vote, I shall call on those representatives who have expressed the wish to explain their votes before the vote.

52. Mr. ANSARI (Iran) (translated from French): My delegation did not participate in the general debate on these important questions of the prohibition of the threat or use of force in international relations and the right of peoples to self-determination, for the simple reason that it considers these questions to concern principles which are so self-evident that no further discussion in support of them is necessary.

53. Indeed, Article 2, paragraph 4 of the Charter of the United Nations proclaims the principle of the pro-

hibition of the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.

54. Furthermore, many declarations and resolutions of the United Nations, especially resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and resolution 2131 (XX) of 21 December 1965, on non-intervention in the domestic affairs of States, have already affirmed the principle of the self-determination of peoples.

55. If, therefore, the principles set forth in the Charter and the provisions of resolutions already adopted by the General Assembly were respected by the members of our Organization, we should certainly not have to take up this matter again today and adopt another resolution.

56. Unfortunately, this is not the case, and despite the existence of these principles and provisions, we witness dangerous situations which defy them and continue to be a serious threat to international peace and security.

57. For this reason, it seems that it was opportune to remind the States of their obligations in this field in order to deal with these situations and thus strengthen the authority of the principles which should guide States in their relations.

58. It is to the Czechoslovak delegation that we owe this initiative (see A/6393) in reminding Members of our Organization of this obligation.

59. However, apart from the Members of the United Nations, we feel that this principle of the prohibition of the threat or use of force in international relations should also be respected by countries that have not yet subscribed to the obligations of the Charter. In fact, this is a general and universal principle, and any civilized State which does not wish to take advantage of the rule of force should submit to the rules of law and justice that must govern inter-State relations. Furthermore, article 2, paragraph 6 of the Charter refers to this. We are happy to note that this point of view is embodied in draft resolution A/L.501, which has now been submitted to the General Assembly. We are also happy to see that the sponsors of the three draft resolutions have reached agreement, thanks I must add, to the good offices of the Austrian delegation, and we should like to take this opportunity to pay a tribute to the spirit of compromise and understanding which has prevailed in the drawing up of this draft resolution.

60. We are completely in agreement on the provisions of this draft resolution which reaffirm the principles set forth in the Charter and in international law. These principles, both that of the prohibition of the threat or use of force and that of the right of peoples to self-determination, have always inspired and guided us in our relations with other countries. On every occasion we have affirmed our faith in the Organization; we have always displayed our devotion to the principles and aims of the Charter and to the right of peoples to self-determination. We have always declared ourselves against every form of interference or intervention in

the domestic affairs of other countries. Finally, we have proclaimed that we are not only in favour of peaceful co-existence between peoples with different political, economic and social systems, but we are also in favour of closer and more fruitful co-operation between them. Of course, in respecting these principles, we cannot lose sight of our natural right of self-defence in accordance with the provisions of Article 51 of the Charter.

61. Any resolution adopted by the General Assembly always lays down principles or directives intended for Members of the Organization; but what is important is the implementation and strict observance of the provisions of those resolutions.

62. In attaining the objective with which we are now concerned, we feel that we should always keep in mind the words of a great historical figure, Napoleon Bonaparte, who, as a result of his own experiences, came to this conclusion: "What I marvel at most in the world is the inability of force to establish anything".

63. Lord CARADON (United Kingdom): I am well aware that the draft resolution on which we are about to decide [A/L.501 and Corr.1] will attract many votes. To say that the draft resolution will attract votes is perhaps an overstatement, for I very much doubt if many delegations find the draft resolution either attractive or satisfactory.

64. I am well aware that many have laboured to find an acceptable compromise, and we respect and indeed admire their motives and their skill. Perhaps I may refer with special admiration to the efforts of the representative of Austria.

65. But I speak of the draft resolution. It is a draft resolution, I suggest, which does no more than patch up an appearance of agreement. It papers over cracks. It glosses over differences. It takes refuge in deliberate ambiguity. Nevertheless, we believe that the result, which might, in a famous English phrase, be called the accumulated patchwork of occasional accommodation, is not worthy of the efforts which have been expended on it.

66. Very briefly, let me say why we have reached the strong opinion which we hold. The draft resolution has three ingredients. To the extent that it restates the principles of the Charter, it is unnecessary; to the extent that it arises from an exercise in political propaganda, it is undesirable; to the extent that it purports to interpret or to expound international law, it is unacceptable. As to the restatement of the purposes of the Charter, it is indeed a most remarkable fact that the principles laid down at San Francisco, twenty-one years ago, are still so fully accepted and so widely respected; but we should do the Charter no service by allowing it to be invoked for purposes of political propaganda.

67. Let me respectfully suggest that the Charter should be a rock on which we should build. It should not be a quarry from which we cut stones to hurl at one another in political controversy. As to political propaganda, there is no doubt a time and place for it, and life would be dull without it. All I would submit is that we should endeavour to keep political propaganda

quite separate from both the principles of the Charter and the development of international law.

68. As to the legal issues, we believe that in defining and codifying Charter principles we should not rush to hasty political declarations. We should allow the appropriate legal body, which has already done so much careful work on these issues, to continue and conclude its dispassionate study. In these legal questions we should advance on the sure ground of expert examination. We should not resort to ambiguous declarations, declarations accepted only because they mean quite different things to different people.

69. Throughout this debate we have asked ourselves what cause we are advancing, what practical problems we are helping to solve, what weakness in the Charter we are repairing, in what way we are strengthening and sustaining the United Nations. I fear that by pressing this draft resolution we shall not make progress in any such purpose; indeed we shall go backwards. Far from resolving anything, we shall have created new problems, we shall have produced new sources of future contention, we shall have prejudiced the orderly formulation of agreed principles of international law.

70. This is not the first time that this Assembly has been faced with a declaratory draft resolution of this kind, conceived in propaganda and delivered in hurried compromise. It is surely time that someone objected. It is because we are convinced that such draft resolutions, far from strengthening and sustaining the United Nations, are damaging diversions, that we shall vote against the draft resolution now before us.

71. Mr. NABRIT (United States of America): The United States, as a co-sponsor of draft resolution A/L.495, has participated vigorously in the long and complex negotiations from which the new draft, in document A/L.501 and Corr.1, just introduced by the representative of Austria, has emerged.

72. It is hardly necessary to recall the important role which the United States has played throughout its history in the evolution of self-determination and freedom. One need refer only to the Fourteen Points of President Wilson in this connexion.

73. In this century my country has devoted much of its human and material resources to the protection of many nations and peoples throughout the world from the ravages of the threat and use of force. We hope that all nations and authorities will heed the call of this text to refrain from the unjustified use of armed force and put aside attacks on peoples who wish to be free and to live in peace.

74. The United States warmly supports the emphasis of the new text on freedom. For our part, we consider that the right of every people to freedom deserves special attention and is something more than, and different from, the principle of self-determination or the combined "principle" of self-determination and independence. We are glad that this compromise text recognizes the right of peoples "to self-determination and freedom and independence". The draft resolution thus clearly applies to the unhappy instances of those who have been deprived of their freedom or autonomy since the Second World War. The resolution thus usefully reminds us that the deprivation of the freedom of a

people is as much a violation of the principle of self-determination as the failure to permit a dependent people to achieve self-government or independence as may be appropriate. Second, this resolution is, of course, not a statement of international law. While it speaks in terms of rights and duties, it represents essentially a political statement by the General Assembly of the importance of freedom and self-determination, and reminds States of the critical importance that all should comply with the requirement of Article 2, paragraph 4 of the Charter which prohibits 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. Certainly the compromise text does not—and could not—affect obligations of Member States under the Charter.

75. From the beginning of the debate on agenda item 92, the Assembly has considered only the prohibition of the threat or use of force in so far as it relates to self-determination. Obviously, therefore, even if this text were a statement of the law—which it is not—it could not be an exhaustive one. To give but two examples; in formulating legal texts stating the principles concerning the threat or use of force, the Special Committee on Friendly Relations will have to articulate the fact that under Article 2, paragraph 4 of the Charter indirect aggression—subversion, infiltration and terrorism—are prohibited equally with conventional forms of armed attack; it will also have to elaborate on the right of self-defence which Article 51 of the Charter preserves, and its application to all uses of armed force, direct and indirect alike.

76. The compromise text does touch upon aspects of indirect aggression in so far as they relate to self-determination. In adopting this resolution, the General Assembly will once again draw to the attention of the world the gravity of indirect aggression. The resolution refers expressly to General Assembly resolution 2131 (XX) which this body adopted on 21 December 1965. That resolution specifically calls upon States not to

"... organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State."

77. The compromise text now before us builds upon this condemnation of subversion in all its forms. Operative paragraph 1 (a) points out that "the use of force in any other form contrary to the Charter" is impermissible. This political pronouncement by the General Assembly is especially appropriate at a time when unremitting efforts at illegal acts of subversion, infiltration, terrorism, sabotage and the clandestine supply of arms are endangering the peace in many parts of the world.

78. I wish to make it clear that the United States has participated fully in the negotiations which have led to this compromise text. We have also participated fully in the work of the Special Committee on Friendly Relations and will continue to do so. It is that Committee to which the General Assembly has entrusted the task of the progressive development of international law and

its codification with regard to the principles of friendly relations and co-operation among States in accordance with the Charter. That work is juridical work and requires participation by skilled jurists. The legal character of the work of the Special Committee on Friendly Relations and the Sixth Committee has been expressly recognized by all three groups of co-sponsors who have authorized Mr. Waldheim to say, as he has, that "... these committees are the bodies which deal with the formulation of legal principles". "It is for use in that task that these materials are referred" [*supra*, para. 12]. Indeed, the compromise text does not purport to impose its statement of political principle and exhortation as "the law" on the principles of threat or use of force and self-determination.

79. In the negotiations on the compromise text, particular attention was concentrated on the fourth pre-ambular paragraph which reads:

"Recognizing that peoples subjected to colonial oppression are entitled to seek and receive all support in their struggle which is in accordance with the purposes and principles of the (United Nations) Charter."

This formulation is a vast improvement over the proposal originally put forward in A/L.493 and Add.1-2 which would have purported to recognize a "right" to seek and receive support and assistance—without any qualifications whatsoever. Obviously such a right is subject to the provisions of the Charter, particularly the prohibition on the threat or use of force in Article 2, paragraph 4. The text of the compromise properly reflects relevant Charter limitations on furnishing material and other support.

80. The United States delegation notes that the reference to "independence" in operative paragraph 1 (b) of the compromise text does not require independence in the sense of independent statehood. As my Government has consistently maintained, and as the General Assembly has recognized in resolution 1541 (XV), the Charter-based principles of self-determination can be fulfilled when a people freely chooses independent statehood, free association with another State or integration with another State.

81. In view of what I have said, the sponsors of draft resolution A/L.495 will not press it to a vote and, instead, will vote for the compromise text in document A/L.501 and Corr.1. We understand that Czechoslovakia and the other sponsors of draft resolution A/L.493 and Add.1-2 support the compromise and are not pressing their original proposal to a vote, and that Italy and the other sponsors of draft resolution A/L.498 are doing likewise.

82. As I have said, this compromise text is the result of a series of meetings between the three groups of sponsors of the draft resolutions on this item. Those meetings, often protracted and difficult, have resulted in a compromise text largely because of the skilful efforts of Mr. Waldheim who presided over them and because of the co-operative spirit of the negotiators. In concluding, we wish to pay special tribute to Mr. Waldheim for his untiring efforts to obtain a draft acceptable to the three groups of co-sponsors, and for his success in those efforts.

83. Sir James PLIMSOLL (Australia): Delegations are faced today with the sort of problem we often have when we are asked to vote on draft resolutions that are declaratory. There are two difficulties on all these occasions. The first is that it is not easy for a body of this size to draft a long and complicated declaration that will be acceptable in all its terms to any one of us. There is likely to be a great deal that each of us will agree with. But there is also likely to be a great deal that each of us, for one reason or another, will find unpalatable or unacceptable. And at the end of the discussions we have to decide, each of us, whether we will vote for a draft resolution with which we find ourselves in substantial agreement, despite the fact that there are parts—and often important parts—with which we are in disagreement.

84. Now, in a normal political draft resolution, this is generally resolved by voting for the draft. But when we have in front of us a declaration which is supposed to have a more universal application, and which may in fact be pointed to—wrongly, I think—as possibly having legal weight, then one is more reluctant to vote for such a draft resolution if there are elements which seem to be objectionable.

85. That is the position in which the Australian delegation finds itself today. There is a lot in this draft resolution [A/L.501 and Corr.1] that we can accept without much difficulty, though we may find it superfluous. But there are parts of it which are either objectionable or have hidden dangers.

86. The second sort of difficulty that delegations have to contend with on these occasions is that the broad objectives, the broad principles, very often are the sort of thing that most of us would agree with. To vote against them is almost like voting for sin. The real objection to such declarations is often not their broad principles, not their general content, but the way in which the views are expressed, the detail into which the draft resolution may lead the countries which vote for it. And often delegations are afraid of misunderstanding if they vote against such a draft resolution. They are afraid that they will be understood as objecting on substance.

87. Therefore, it is very important, I think, when we cast our vote today, to realize that we are voting on a way of expressing certain ideas, on the elaboration of certain ideas, rather than on the two main principles of this draft resolution, which are: opposition to the use of force which is contrary to the Charter, and opposition to anything that blocks the rights of self-determination granted under the Charter.

88. As I have said, that is the sort of situation that frequently faces delegations when they have to vote on declaratory statements. And so it is today. Once again we are faced with the familiar mish mash of platitudes and ambiguities. Some delegations are apparently going to vote for the draft resolution on the understanding that it does not mean what it says. And others are going to vote for it on the understanding that it will mean exactly what they want it to mean and not necessarily what other delegations voting for it think it means.

89. This is a situation that is full of dangers and we have to ask ourselves whether a draft resolution of this nature is necessary. I could go through the draft

resolution in detail, but I do not intend to do that at length. For example, what does the second sentence in operative paragraph 1 of section I mean? If it means that armed force used contrary to the Charter constitutes a violation of international law, then of course that is true. It is not necessary to say it. If it does not mean that, what does it mean? Is it not possible that by adopting such a slapdash elaboration or gloss on the Charter we are laying booby traps that none of us really knows about?

90. Then there is sub-paragraph (b) of operative paragraph 1 which says that "the use of force to deprive peoples of their national identity . . . constitutes a violation of their inalienable rights". Now what exactly does that mean? I think it means different things to different delegations. Does it mean that any minority in any country can rise up, rebel, to assert its independence? Does it mean that if a State consists of a federation, or some other congregation of peoples of different languages or ethnic groups, that they have a right to break up? Does it mean that? When I look at the countries which have sponsored the draft resolution, I hardly believe that that is the meaning. But what does it mean?

91. Here is an example of a rather loosely drawn set of phrases that will mean different things to different Members of this Organization, which can be pointed to for their own purposes by individual Members who wish to move against another Member.

92. It is, I know, taken from an earlier resolution, and the Australian delegation, on previous occasions, has also objected to its use in the earlier resolution.

93. Then, in the preamble, the draft resolution recognizes that "peoples subjected to colonial oppression are entitled to seek and receive all support in their struggle which is in accordance with the Purposes and Principles of the Charter". Now that again is loosely drawn. It could be interpreted to mean that anything, any uprising, by being called a war of national liberation, thereby acquires some status and is therefore open to support by any Member of the United Nations.

94. That is not an interpretation that most Members here would place on it. I notice it says "peoples subjected to colonial oppression". I take it—at any rate the Australian delegation would interpret it—that this does not mean the case of peoples who are being administered by Powers in accordance with the relevant clauses of the United Nations Charter, as Trust Territories or as Non-Self-Governing Territories. But whatever the meaning, it leads to certain ambiguities, misinterpretations, misuses.

95. I could go through the draft resolution at greater length, picking out paragraphs that are open to misinterpretation, paragraphs that need some explanation before voting for them. But what is the purpose of adopting a draft resolution if it means all things to all men, or some things to some men and different things to others? We have the Charter of the United Nations, binding on all of us, ratified by each of us, and that is the overriding document, the overriding set of obligations and rights in international law.

96. It is possible that international law can be elaborated in various ways, and the best way normally is

by a convention to which countries can accede and formally accept obligations that have been worked out in some detail and precisely. We also have to consider the powers of the General Assembly. The General Assembly cannot by a resolution override or amend the Charter of the United Nations.

97. This draft resolution is to be referred to committees. It is to be made the subject of studies. The various resolutions that have been submitted to the Assembly will also be forwarded, as well as the records of our debates. This draft resolution is not in itself a statement of legal principles. It is at best a statement of a broad consensus of a political nature by many of those present. But I think it is clear that the basic principles governing the use of force and the right of self-determination are covered in the Charter. The Charter is clear on these subjects. The Charter is something which we have all accepted and on which we should build. We should not try to envelop it in a sort of smog, as this draft resolution will do.

98. In those circumstances, the Australian delegation is unable to support the adoption of this draft resolution, and will abstain from the vote on it.

99. U MAUNG MAUNG GALE (Burma): The delegation of Burma, in common with others, has, on many past occasions drawn attention to the noble aims and principles on which the United Nations was founded. Despite professions on the part of all Member States to these noble aims and principles, the world appears to be drifting into a situation fraught with dangerous consequences. My delegation therefore welcomes any move or moves that aim at the achievement of these purposes and principles of the United Nations Charter, and is happy to support any action reaffirming the noble principles enshrined in the Charter.

100. Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination are two principles to which we all subscribe and, strictly on the basis of reaffirming those principles and of the call for their observance, my delegation has no hesitation in associating itself with such actions.

101. Burma follows a policy of non-alignment and has all along pursued a policy of peaceful coexistence with all countries and peoples. Peaceful coexistence, as we understand and practise it, means that each country should be free to develop as it chooses, should respect the right of others so to develop, and should co-operate with others on the basis of equality and mutual benefit, and in the quest for peace and harmony and for the betterment of humanity.

102. In associating ourselves with the maintenance and observance of the principles for which the United Nations stands, my delegation wishes to make it perfectly clear that its support is based solely on the nobility of the aims enshrined in those principles and in which lie the hope of mankind. My delegation emphatically dissociates itself from any other motivations or inferences, should there be any.

103. My delegation also feels that it is necessary for the General Assembly to give an impetus to the Special Committee in its consideration of principles of international law concerning friendly relations and co-

operation among States in accordance with the Charter of the United Nations. Merely to refer the matter back for further study will not help solve the problem. For this reason, my delegation welcomes some positive action.

104. We had hoped that it would be possible for the co-sponsors of the various drafts to reach agreement so that a single draft which could secure unanimity in this Assembly might be presented. It is therefore a matter of gratification that an agreement was reached and we have before us the draft resolution contained in document A/L.501 and Corr.1. My delegation will vote for this draft.

105. Mr. DEVENDRA (Nepal): It is a matter of deep regret that the basic principles of the Charter of the United Nations regarding the strict observance of the prohibition of the threat or use of force in international relations and the strict observance of the right of peoples to self-determination are being violated by interested Powers more often than not. In the recent past we have seen that the Powers that have been consistent in the violation of these principles of the Charter have used force either to bring other nations under their economic influence or to bring them under political or ideological pressures.

106. The attempt by certain Powers to extend their sphere of influence has also resulted in the use of force. My delegation is of the opinion that the very concept of the sphere of influence is outdated and that any attempt on the part of certain Powers to perpetuate it is contrary to the principles and purposes of the Charter of the United Nations.

107. It has become incumbent upon the General Assembly, in order to ensure the universal application of the principles of peaceful relations among States, to adopt a declaration that would be a reminder to the States that are inclined continuously to commit violations of the principles and purposes of the Charter of the United Nations. A declaration on the strict observance of the prohibition of the threat or use of force in international relations as contained in document A/L.501 and Corr.1, will be of utmost importance if we want to have a commitment from all the powerful countries not to treat right as emanating from might. Some countries are likely to resort to the use of force against another country under the supposition that their political interests or their own security are at stake. But in this supposition they probably fail to realize that every sovereign State has the right to determine and shape its own destiny. International relations are undoubtedly sometimes guided by national considerations, but the utmost respect must also be shown for the interests and national identity of other States.

108. The principle enshrined in Article 2, paragraph 4 of the Charter is explicit enough in prohibiting States from using or threatening to use force against the territorial integrity or political independence of other States or in any other manner inconsistent with the principles and purposes of the United Nations Charter.

109. If States were guided in their mutual relations by the principle of not putting their interests on a higher pedestal than the interests of other States, many of the ills confronting the present-day international community would easily end. That not being so, States need

to be constantly reminded of their duties by an international Organization like the United Nations. This will naturally help in the growth of international life on the basis of mutual respect and equality among States.

110. Being always guided by the fundamental belief that the strict observance of the Principles and Purposes of the United Nations Charter is the only way to establish permanent peace in the world, my delegation is happy to vote for draft resolution A/L.501 and Add.1, as we consider that that draft resolution, if adopted, would help in our march to the realization of the Principles and Purposes of the United Nations Charter.

111. Mr. HASAN (Pakistan): We have before us the draft resolution submitted by the delegations of Algeria, Canada, Czechoslovakia, and nineteen others [A/L.501 and Corr.1]. This draft resolution apparently replaces the earlier draft resolutions contained in documents A/L.493 and Add.1-2, A/L.495 and A/L.497.

112. Speaking in the debate from this rostrum and on the subject under discussion, I said:

"My delegation strongly hopes that any resolution adopted on this item will contain adequate provisions on all the relevant issues. We will find it hard to support any proposal which is one-sided or lacks in balance. But we would wish very much that a resolution on the subject be adopted unanimously or by an overwhelming majority." [1465th meeting, para. 13.]

113. My delegation fully appreciates the desirability—nay, the necessity—of the prohibition of the threat or use of force in international relations. Indeed, it is an idea about which there should not and cannot be any conflicting views. Beset as the world is today with high-voltage tension, even with actual warfare and turmoil in certain important regions of our globe, it is all the more urgent that international disputes be settled by peaceful means and without resort to the threat or use of force.

114. This Organization was founded so that succeeding generations may be saved from the scourge of war. Let us redeem that pledge, that promise, by renouncing threats of use of force in international relations, except in self-defence and in accordance with Article 51 of the Charter.

115. My delegation is not entirely satisfied with the wording of the preambular paragraphs of the draft resolution before us. We should have liked to see the right of peoples to self-determination affirmed in clearer terms and not with implied reference to only one kind of situation. In its present form it goes only half-way towards this goal and no further. To the extent that the inclusion of the expression "self-determination of peoples" in both the preambular and the operative parts of the draft resolution refers to peoples who are under foreign domination and have been forcibly denied the free expression of their will to choose their political destiny without any pressure, intimidation or coercion, my delegation will vote in favour of the draft resolution [A/L.501 and Corr.1].

116. In conclusion, I should like to say that we are mindful of the possibility that certain interested

parties may attempt to interpret the draft resolution, as they have tried to do with other international declarations, agreements, resolutions and the rules of international law, to suit their own motives or interests. Such a lopsided interpretation may be applied to the expressions "under colonial rule" and "colonial oppression". As far as my delegation is concerned, colonial rule and oppression can assume diverse forms, some classical, others new-fangled. I should like to make it clear that, as far as my delegation is concerned, the draft resolution cannot be cited to condone or justify attempts by any Power, colonial or foreign, to integrate a territory by force and then plead before the world community that such people form an integral part of its political entity.

117. Mr. AKE (Ivory Coast) (translated from French): May I, first of all, convey to the Czechoslovak delegation my own delegation's congratulations on having taken the initiative of proposing that the Assembly should consider the problem of 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" (see A/6393). This initiative has given us the opportunity to examine other aspects of the fundamental principles which should govern relations between States, nations and peoples, whether large or small, and guarantee the free exercise of the right of self-determination of peoples still under foreign domination.

118. In its Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty contained in resolution 2131 (XX), the General Assembly condemned "armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements". It also imposed upon States the obligation not to "organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State".

119. In that same resolution, the General Assembly declared that "the use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention" and that "all States shall respect the right of self-determination and independence of peoples and nations", that right "to be freely exercised without any foreign pressure, and with absolute respect for human rights and fundamental freedoms".

120. We are in perfect agreement with all those principles which constitute the very foundation of our policy. Indeed, non-intervention in the domestic affairs of other States, abstention from the use of force or violence, the peaceful settlement of disputes, negotiation, conciliation, scrupulous respect for the opinions of others—that is, tolerance—and the untiring search for peace, are all constants of the policy to which the people and the Government of the Ivory Coast are so firmly attached that they strive every day, in their national and international life, never to depart from it. We cherish these principles not only because they make peace possible, but also because we know that if they are flouted, if they are not respected, there will be no

peace in any part of the world. We need peace not only for ourselves, in order that we may go forward in our own national construction and development, but also for our neighbours and for Africa, so that it may be able to shoulder the immense tasks it must accomplish to emerge from its underdeveloped state and achieve unity; and finally we need peace for the whole world, so as to make possible more effective international co-operation and solidarity. Events taking place in various parts of the world show how necessary it is that we should scrupulously respect these principles if we do not wish to aggravate the dangers threatening the peace which we all seek.

121. In Africa, we see a pitiless war backed by enormous resources being waged against defenceless people struggling for their independence. Millions of people are being crushed by force and violence and are deprived of their elementary rights by a few thousand adventurers who have no feeling for the dignity and respect of the human person, and by several States Members of this Organization which still cling desperately to an outgrown past, to a so-called policy of assimilation or separate development, the only aim of which is the exploitation and enslavement of these peoples and the denial of their legitimate rights.

122. It is absolutely essential to bring those adventurers and those States back to their senses and force them to comply with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples in order to enable those oppressed peoples freely to exercise their right to self-determination and independence and to enjoy the benefits of freedom.

123. Elsewhere in the world, and especially in South-East Asia and the Middle East, it is high time that one and all should understand that war, force, violence, hatred, guerrilla warfare, assassinations, bombing, subversion and reprisals can solve nothing.

124. Lethal weapons must therefore be silenced and give way to negotiation, discussion and conciliation, which alone can bring about a satisfactory and peaceful solution to those conflicts and in so doing save the peace of the world.

125. We have examined the various draft resolutions submitted to us in the light of all these considerations. It is comforting to note that all those drafts were prompted by the same concerns: the need for international relaxation of tension and the freedom of peoples. They have the same purpose, peace throughout the world, and they reaffirm the same principles of abstention, non-recourse to the threat or use of force in international relations and of the self-determination of peoples. They differ from one another only in their subjective motivations and in the inferences which their sponsors attempted to draw from those principles in respect to a particular situation.

126. We are gratified that those sponsors were able to rise above themselves and set aside everything which might cause disagreement in order to submit a common draft resolution (A/L.501) which we have the greatest pleasure in supporting. In doing so, we wish to demonstrate our faith in the essential principles which should govern relations between States and

which are embodied in the Charter of the United Nations. Since these principles are becoming increasingly lost to view, it was important to recall them in solemn declarations, so that we might all make an effort to comply with them and respect and apply them, in order to ensure international peace and security throughout the world and create the conditions for the peaceful coexistence of peoples and nations having different political, social or economic systems. My delegation will, therefore, vote in favour of the common draft resolution contained in document A/L.501.

Mr. Rossides (Cyprus), Vice-President, took the Chair.

127. Mr. CORNER (New Zealand): No one would doubt for one moment the importance of the two principles mentioned in the title of the item now before us on the initiative of the delegation of Czechoslovakia. The principle that States should refrain from the threat or use of force lies at the very heart of the United Nations Charter. It is the essential basis of such world order as we now have. The principle of equal rights and self-determination of peoples is given a hardly less prominent place in the Charter; and, since 1945, its implementation has become—and rightly so—a major United Nations objective.

128. If these principles are of exceptional importance, it is also true that progress in ensuring their full observance has been very slow. The New Zealand delegation, therefore, welcomes any constructive suggestion that would enable the United Nations more effectively to achieve this end.

129. One course of action open to the Assembly would be formally to reaffirm these principles and to urge States to abide by them. Although it would be idle to pretend that the impact of this sort of action is likely to be very great, it is a course with which my delegation would certainly have no quarrel.

130. We would wish, however, to draw a sharp distinction between resolutions which do no more than reaffirm Charter principles and urge States to abide by them and resolutions of a declaratory nature which seek to elaborate and to interpret those principles. When the Assembly takes upon itself this latter task—and we are certainly not denying that it should—then we believe it should proceed with very considerable care.

131. The proper approach, in our view, is that at present being employed by the Special Committee on Principles of International Law Concerning Friendly Relations and Co-operation among States. That body, which if the recent recommendation of the Sixth Committee [A/6547, para. 88] is approved will continue work next year, has undertaken a detailed, carefully documented study of seven Charter principles, including the two with which we are now dealing. Progress in that body has necessarily been slow, but the ground has been well laid. If, as we all hope, the result of that work is the adoption at an early date of a declaration commanding wide support, then we shall have achieved something of real significance. If, on the contrary, we abandon this sort of approach and adopt texts of a declaratory nature, in haste, without proper deliberation, on the very complex problems inherent

in the principles in question, and without a due regard for the need for precise language, then we believe we risk achieving the very reverse of what we set out to do. Instead of enhancing Charter principles, clarifying their meaning and taking a significant step towards their more rigorous observance, we may merely promote divisive interpretations of central parts and hence weaken their force. This was precisely our criticism of the overloaded resolution on the inadmissibility of intervention, adopted so hastily last year.

132. When, in the light of these considerations, we come to examine the compromise text now before us [A/L.501 and Corr.1], my delegation finds with regret that it cannot but have misgivings once again. The draft resolution, in both its operative and its preambular paragraphs, does more than merely reaffirm in Charter language the two principles with which it deals: to some extent at least, it purports to elaborate those principles and to designate particular actions which constitute a violation of them, and hence of the Charter. It does so in language which, in the view of my delegation, is in some parts not free from ambiguity and, in others, misleading. Perhaps I could mention two examples.

133. First, in operative paragraph 1 (a), the first sentence does no more than repeat the language of Article 2, paragraph 4 of the Charter. The second sentence, however, departs from that language. In place of the distinction in Article 2, paragraph 4, between the threat or use of force either against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, it imports a new distinction. The distinction now is between armed attack—a term apparently drawn from Article 51 of the Charter, which relates to self-defence—and the use of force in any other form contrary to the Charter.

134. It may well be that there is no great significance in this change, or, again, it may be that there is. There is no way of telling—such is the nature of the drafting here, as elsewhere in the document. My delegation would certainly question whether this is an appropriate or useful restatement of the basic rule laid down in Article 24.

135. Secondly, we find a problem in the apparent implication in the third and fourth preambular paragraphs, in sub-paragraph (b) of operative paragraph 1 and in sub-paragraph (b) of operative paragraph 2 that the right of self-determination is limited to classic colonial situations.

136. It is, of course, well known that the precise extent of the application of the principle of equal rights and self-determination of peoples was the subject of conflicting views during the 1966 session of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. We think it would be unfortunate if anything in this draft resolution were to prejudice a satisfactory reconciliation of these conflicting views. For this reason alone, if the provisions in question are intended to carry the implication I have mentioned, then my delegation would wish to enter an express reservation with regard to them.

137. There are, we believe, other respects in which the draft resolution is not free from difficulty. I shall not, however, dwell on them. I would merely say that while we are certainly appreciative of the efforts made by the sponsors of the three draft resolutions originally submitted, when we consider the new draft resolution as a whole, we are left with a considerable sense of unease. We are not persuaded that it clarifies the extremely important principles with which it deals, nor do we believe it will significantly advance the legal study of these principles which is already under way.

138. For those reasons, and consistent with our approach to this sort of resolution which I have already outlined, my delegation cannot support the draft resolution.

139. Mr. VINCI (Italy): As we stated in the course of the debate on this item [1468th meeting], we looked with sympathy at the concern of the delegation of Czechoslovakia and other delegations over the strict observance of the prohibition of the threat or use of force and of the principle of self-determination of dependent peoples. The Italian delegation felt, however, that the General Assembly could more usefully stress the necessity of such strict observance in different terms, refraining from a hasty enunciation of the legal contents of those principles. In our view, that enunciation should be left to the bodies already entrusted by the General Assembly itself with the task of the codification and progressive development of the seven principles of friendly relations.

140. It was on this basis that the Italian delegation submitted, together with other delegations, draft resolution A/L.498. That draft did not touch upon the legal formulation of the principles involved. It stressed the prohibition of the threat or use of force and the principle of self-determination of dependent peoples as worthy of priority over the five other principles of friendly relations, and it requested that the records of the debate on item 92 be referred by the Secretary-General to the Special Committee on Friendly Relations.

141. For the sake of wider agreement, the Italian delegation willingly joined in the efforts generously undertaken by the representative of Austria to help to bring about a joint draft among the sponsors of the three proposals before the Assembly. We subsequently did our best, within the informal negotiation group under the leadership of Ambassador Waldheim, to contribute to the achievement of such a joint draft.

142. Unfortunately, at least for us, the result of the negotiations, which is certainly an improvement over the previous text—and we wish to compliment the authors on this achievement—still has some points upon which my delegation is not in a position entirely to agree. In our view, the two principles involved and some of the resolutions adopted by the General Assembly in both fields are referred to in terms which do not avoid controversial and partial definitions of the prohibition of the threat or use of force and of the principle of self-determination of dependent peoples.

143. Unlike the draft resolution we had the honour to co-sponsor with a number of other delegations, the joint draft [A/L.501 and Corr.1] might therefore, I submit, be incorrectly understood as implying that,

on some points of interpretation of the relevant Charter provisions, the General Assembly is taking a stand before the completion of the legal work of codification and progressive development undertaken on the basis of General Assembly resolutions 1815 (XVIII), 1966 (XVIII), and 2103 (XX). Consequently, the text of the joint draft resolution 2131 (XX), to the deep, searching study of a legal and generally acceptable formulation of the two principles involved.

144. We are well aware, and take good note, of the statement made by the Chairman of the informal negotiation group, Ambassador Waldheim, to the effect that the task of achieving the legal formulation of the prohibition of the threat or use of force and of the principle of self-determination of dependent peoples rests with the Sixth Committee and with the Special Committee on the Principles of International Law concerning Friendly Relations and Co-operation among States. It is our feeling, however, that this very statement proves in some way that our preoccupations with respect to the text of the draft resolution are well founded.

145. In the measure in which it is felt that the legal formulation of the prohibition of the threat or use of force and of the principle of self-determination of dependent peoples should be forthcoming from the appropriate bodies, it would be preferable for the General Assembly to abstain from wording that might in any way prejudice the work to be carried out by such bodies.

146. For those reasons, while withdrawing our original proposal, we are unable to vote in favour of joint draft resolution A/L.501 and Corr.1.

147. Mr. COLLIER (Sierra Leone): I should like to begin by expressing the congratulations of my delegation to the delegations of Czechoslovakia and the others which have done so much to bring this draft resolution [A/L.501 and Corr.1] before us, and to the co-sponsors of the other draft resolutions which have so kindly cooperated in making it possible for a joint draft to be before us.

148. My delegation considers it to be of the utmost importance that the general principles outlined in this draft resolution should be reaffirmed from time to time before this world body. That is one reason why, if for no other, my delegation finds it very convenient to support this draft resolution.

149. Some delegations have argued that they do not see any reason why these principles, already contained in the Charter, should be repeated. Indeed, my delegation considers that this is a very good reason why they should be repeated: the fact that they are contained in the Charter, because the Charter contains very broad guidelines under which we are proceeding and under which we have been drawing inspiration from time to time in the various problems that confront us here.

150. But this draft resolution is particularly relevant at this time when the international atmosphere is charged with so many explosive situations. It is also very fitting that the question of colonialism should be linked with a draft resolution calling for the prohibition of the threat or use of force. We are all familiar with the situation in our world today where force is being used to interfere with the lawful advance of

peoples struggling to break off the colonial yoke. Some have questioned the fact that a type of colonialism referred to here is, what they call, of the classic nature. I do not know what is classic or what is not classic. I know colonialism when I see it. I recognize it, for instance, when I see it in Portuguese activities in Africa. I recognize it, for instance, when I see it in the attempt of a handful of foreign elements in any part of the world to dominate another people against its will. Indeed, I see it in Southern Rhodesia and in South Africa. Therefore, this draft resolution is very timely because it covers all those situations where men would want to impose their will on an unwilling people against their wishes. We therefore recognize the importance of reaffirming these principles at this time.

151. There has been much comment on the fact that similar aspects of this matter are now before the legal experts. I would think that the fact that the General Assembly should decide at this time to endorse in so general terms these very principles would be a source of encouragement to those experts occupied with the consideration of this matter. That is why my delegation approves particularly the paragraph which refers to the examination of this problem by the legal experts and the fact that this draft resolution, if adopted, and the record of debate should be included in the documentation which will be sent for further study. I see no inconsistency in that. Indeed, I think it is quite in keeping with the kind of atmosphere that should be created if we are anxiously desirous of preserving the peace.

152. Finally, I do not think that any effort to improve the international situation, to lessen tensions and to improve the methods governing relations among States should be discouraged. On the other hand, we believe that every effort should be encouraged. That is why I started my remarks by congratulating the delegations which have done so much to bring this problem before us, to have the Assembly reaffirm these fundamental principles and to endorse them particularly at this time when we find so much relevance for such endorsement, at a time when we find, in spite of the hopeful expressions of many delegations, that there is international friction, that force is in fact being used to repress the legitimate struggles of peoples to achieve their independence contrary to the principles enshrined in the Charter. All the more reason why we believe that, at this time, these principles should be reaffirmed and endorsed. That is what this draft resolution is seeking to do, and my delegation will find no difficulty in supporting it.

153. Mr. YANKOV (Bulgaria): Permit me, Mr. President, to state briefly the position of the delegation of the People's Republic of Bulgaria on the draft resolution [A/L.501 and Corr.1] which is now under consideration.

154. At the very outset I should like to point out that the consideration of this item has been fully justified by the present state of the international situation. We therefore highly appreciate the initiative of the Government of the Czechoslovak Socialist Republic in submitting this item for consideration by the General Assembly.

155. The strict and undeviating observance of the principle of the prohibition of the threat or use of force and of the principle of self-determination of peoples constitutes the basic requirement for international stability. Violation of these principles leads inevitably to increased tension and direct threats to peaceful relations among nations. In this situation, the restatement of the fundamental principles of international law should be considered as an action of the General Assembly which deserves greater consideration and respect than mere qualification as a hasty declaration, as undesirable political propaganda and as an action which is damaging to the prestige of this Organization. My delegation is preoccupied with the existing situation and does not view lightly and with a one-sided and emotional approach the prevailing tense atmosphere of conflicts and direct threats to world peace.

156. The expression of our firm belief in the sanctity of the principles of international law and the statement of our determination to observe strictly those principles are not actions which this Organization and its main organs, such as the General Assembly, should underestimate.

157. The draft resolution under consideration constitutes, of course, an acceptable compromise reached after somewhat lengthy negotiations among the sponsors of the draft resolutions, and it is only natural in such a case to expect that, while harmonizing all points of view, it may not completely satisfy each point of view. In our submission, for instance, draft resolution [A/L.493 and Add.1], submitted by Algeria, Congo (Brazzaville), Czechoslovakia, Guinea, India, Iraq, Mali, Mauritania, Poland, Singapore, Sudan, the United Arab Republic and Yugoslavia, reflected better the pertinent points relating to the item, but, like many other delegations, we appreciate any action, even partial action, which this Organization might take in order to improve the actual international situation and might lead to the lessening of international tension. For instance, we consider that draft resolution A/L.493 and Add.1 expressed in better and more explicit terms the legitimate character of the struggle of the colonized and oppressed peoples against colonial domination. As a matter of fact, we consider that draft resolution A/L.493 and Add.1 expressed in better terms the concept of the term "force" and reflected better the wide range of the notion of force in international relations, which, in our submission, includes all kinds of violence and use of force, including international pressure of an economic, political, military or other nature.

158. However, we appreciate the present draft resolution [A/L.501 and Corr.1] as an acceptable compromise, and I should like to express my delegation's appreciation for the efforts of all the co-sponsors to arrive at a harmonized draft. I should like to associate my delegation with the expressions of appreciation for the valuable efforts made by the representative of Austria, Mr. Waldheim. We view the draft under consideration as a very timely expression of the preoccupation of our Organization over the dangerous tensions and conflicts due to the arbitrary use of force in international relations.

159. We are satisfied with this draft, because it reaffirms the fundamental principles of international law, namely, the prohibition of force and the principle of self-determination, not in general, not in abstracto, not in an instrument of long-time standing and origin, but in conjunction with the present international realities. Therefore we consider this draft resolution to be an expression of one action which may be very effective in the present situation. The delegation of the People's Republic of Bulgaria, therefore, supports this draft resolution and is ready to vote for it. We believe that this draft resolution will gather almost unanimous support, and we hope that the draft, which reflects the urgent character of the problem under consideration and the necessity for proper and effective action, will indeed contribute to the lessening of international tension and to the strengthening of confidence among all nations.

160. By approving this draft, the General Assembly will be performing an important function as an influential agency expressing world public opinion and the preoccupation of mankind with the search for peace, security and international co-operation.

161. Mr. SCHUURMANS (Belgium) (translated from French): The Belgian delegation has decided to abstain in the vote on draft resolution A/L.501. Our position is based on the following considerations.

162. In the first place, we believe that if we really wish to achieve effective and lasting results in the United Nations, there must be a soundly organized division of labours among the various parts of the Organization. We must, for example, observe the necessary distinctions between the roles and special responsibilities of the main Committees and of any special committees the Assembly may decide to establish. My delegation already stressed the importance of this question in the First Committee during the twentieth session of the General Assembly when it explained its abstention on the draft resolution on non-intervention, subsequently adopted as resolution 2131 (XX).

163. My delegation has emphasized the same point during the debate just held in the Sixth Committee on the question of friendly relations and co-operation among States. Those discussions brought out the serious difficulties arising from confusion as to the special competences of the various United Nations organs, particularly as regards political activities on the one hand and tasks of a legal nature on the other.

164. We fear that the draft resolution now before us may not in the future reduce the serious problems we encountered in the Special Committee on the Principles of International Law concerning Friendly Relations and Co-operation among States when we discussed the principle of non-intervention.

165. Section II of the draft resolution refers that text to the Special Committee, evidently so that it can, if need be, draw from it any information useful for its prospective study on the legal principles of self-determination and the prohibition of the use of force.

166. In keeping with its terms of reference, this Special Committee will in any case have to act independently. Nevertheless, we believe it would have been

better not to refer to it, in accordance with the provisions of section II, a text which has not been thoroughly studied by the plenary session of the General Assembly.

167. To clarify this latter point, we would note, for example, that the Assembly did not consider it necessary to deal with the very important work already accomplished on these two principles in the Sixth Committee and in the special committees which met at Mexico and New York.

168. While we do sincerely appreciate at their true worth the efforts of the sponsors of the various draft resolutions to reach a compromise, the result of their deliberations does not seem sufficiently balanced to serve as a sound working basis.

169. We would for example point out that the draft resolution interprets the principle of self-determination in a manner which we believe is hardly consonant with the spirit of the Charter. In 1965 I mentioned in the First Committee (1405th meeting) the importance which Belgium attached to the observance of the principle of non-intervention.

170. I wish to emphasize here that my country also attaches very great importance to the strict observance of the principle of self-determination and of the prohibition of the use of force, as laid down in the Charter.

171. However, we believe that if we are to assure proper application of these fundamental principles of the United Nations system, we must avoid embodying them in formulas that are hastily prepared, poorly balanced or incomplete. Such improvisations may in fact undermine the respect due those basic principles in the actual conduct of international relations.

172. Mr. FARAH (Somalia): In the statement made by my delegation during the course of the general debate on this item we pointed out that the right of self-determination is a right which belongs not only to peoples under colonial rule—and I use "colonial" in the classical sense of the word—but to all peoples which are being subjected to alien and foreign domination. This right has been recognized by the Charter and reaffirmed by many resolutions adopted by the General Assembly.

173. The draft resolution contained in document A/L.501 and Corr.1 is by no means perfect. It is evident from the contents that it is the result of a great deal of compromise and negotiation, and one gains the impression that its sponsors encountered difficulty in articulating their thoughts more clearly and more precisely because of political considerations. Obviously, the sponsors have tried to satisfy as many points of view as possible. This is noticeable particularly when references are made to the exercise of the right of self-determination.

174. For example, in the third paragraph of the preamble and in operative paragraph 2 (b) this right applies to people under colonial rule. On the other hand, in operative paragraph 1 (b) the right of self-determination applies to all peoples under foreign domination.

175. My delegation therefore interprets the draft resolution, in so far as it relates to the right of self-determination, as being applicable to all peoples under

foreign domination, whether this is colonial rule or alien subjugation.

176. My delegation is satisfied with the objectives of the draft resolution and welcomes any move which has as its purpose the lessening of international tension by prohibiting the use or threat of force and by applying the principle of self-determination. For those reasons, my delegation will vote in favour of the draft resolution.

177. Mr. PARDO (Malta): Last year resolution 2131 (XX)—Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty—was adopted without opposition, with one abstention and one delegation not participating in the vote: the delegation of Malta.

178. It was not because we were not in deep sympathy and complete agreement with the objectives of the Declaration that we did not participate in the vote; on the contrary, Malta is one of a handful of countries Members of the United Nations that in 3,000 years of recorded history has never sought to intervene directly or indirectly in the affairs of other States, has never committed aggression, has never used force with aggressive or oppressive intent in international relations. We are a small and peaceful people. Repeatedly the victims of aggression, repeatedly the victims of oppression, we have defended ourselves on occasion heroically and successfully against overwhelming numbers. But we do not harbour resentment against those who attacked us, against those who, perhaps in search of plunder and glory, repeatedly devastated our land. We extend our hand in friendship to all erstwhile dominators in the hope of building together a better world dedicated to the ideals of the United Nations.

179. That is our desire and our hope; yet we cannot close our eyes to present realities. These are that, unfortunately, indeed lamentably, not only the major Powers but nearly all Powers which have the strength, believe that it serves their interests and think that they will not receive retribution, violate, secretly or openly, directly or indirectly, nearly every article of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States which the Assembly adopted last year.

180. In those circumstances we believed, and continue to believe, that it does not serve the interests, the prestige or the authority of the United Nations to make solemn declarations of lofty principles that very few have the intention of observing in the future and that are being, *prima facie*, openly violated at present by some of the very Powers supporting such declarations.

181. Our non-participation in the vote last year was accordingly an appeal for a minimum of dignity and honesty, and a protest against actions by this Assembly which not only expose the weakness but also gravely undermine the prestige and usefulness of the United Nations.

182. The same reasons that determined our attitude last year make us unable to support the draft resolution contained in document A/L.501 and Corr.1, several of the sponsors of which are quite flagrantly involved

in situations in apparent direct contradiction to the principles reaffirmed in paragraph 1.

183. In the circumstances, we have difficulty in believing that the draft resolution before us has made or is likely to make in the future any contribution towards lessening international tensions, strengthening peace or promoting friendly relations among States—to use the words of paragraph 2 (b). Indeed, the ambiguity of the draft resolution will tend to increase tensions and the number of disputes between States.

184. May I repeat the conviction of my delegation that we do not strengthen the United Nations by imprecise, repetitive and ineffective declaratory resolutions that are ignored as a matter of course outside this Hall and the purpose of which, if they have a purpose, is usually only to lay the basis for future debates within our Organization as heated as they are lacking in constructive substance.

185. Mr. TSURUOKA (Japan): My delegation will vote in favour of draft resolution A/L.501 and Corr.1, which is the fruit of the efforts made by the sponsors of the three draft resolutions which were before us. We fully recognize the importance of the principles of the prohibition of the threat or use of force and of the self-determination of dependent peoples.

186. My delegation will vote for the draft resolution because of the fact that it is an expression of political intent by the Members of the United Nations and as such is acceptable to my delegation. Besides, the draft resolution refers to the careful study of the principles concerning friendly relations and co-operation among States. It is my delegation's understanding that the draft resolution, if adopted, would not prejudice or set restrictions on the juridical work of that study.

187. Mr. KANE (Senegal) (translated from French): The Senegalese delegation is pleased to be able to express its support of the twenty-two Power draft resolution (A/L.501). Our pleasure is all the greater because this text is the result of the highly commendable efforts to reach a compromise on the part of the sponsors of the texts submitted to the Assembly earlier, i.e., the fourteen-Power draft resolution A/L.493 and Add.1 and 2, draft resolution A/L.495 submitted by Costa Rica and the United States, and the eight-Power draft resolution A/L.498.

188. We endorse this draft resolution for several reasons: first, because its preamble reaffirms the principles underlying the establishment of our Organization, namely the prohibition in international relations of "the threat or use of force against the territorial integrity or political independence of any State"; the obligation of all States "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples"; the right of all oppressed peoples "to exercise their right to self-determination and independence and the right of every nation . . . to choose . . . without any external interference its political, social and economic system"; and the interest of all nations—particularly smaller nations—in establishing and maintaining relations "based on justice, equality, mutual understanding and co-operation".

189. Moreover, this draft resolution reaffirms the principles and purposes of the declarations embodied in resolution 1514 (XV) of 14 December 1960 and 2131 (XX) of 21 December 1965.

190. We do not think that it is entirely superfluous to recall these principles which some Governments often forget. Moreover, my delegation in no way shares the view just expressed by the United Kingdom representative, who said that the three ingredients of the draft resolution were that it restated the principles of the Charter, which was unnecessary, that it was an exercise in political propaganda, which was undesirable, and that it interpreted international law, which was unacceptable. We would have understood the argument of the United Kingdom representative had he told us that his country could not support the draft resolution because the United Nations, in this case the Security Council, had requested the United Kingdom to use force if necessary to suppress the rebellion in Southern Rhodesia—which was not the case—for we know that the United Kingdom has on other occasions used force to suppress rebellions and subjugate peoples. Therefore, we cannot understand why the United Kingdom representative opposes the draft resolution before the Assembly soon to be put to the vote.

191. Small countries like ours can develop and grow in an orderly manner only if the principles laid down in the United Nations Charter and, above all, their national identity are respected. That is why we appreciate the initiative of the sponsors of draft resolution A/L.501 in submitting this compromise text which, I hope, will be adopted by the overwhelming majority of this Assembly.

192. For all these reasons, my country, which believes that all international conflicts, whatever their scope or origin, can be settled through dialogue, and which practises a foreign policy based on non-alignment whose purpose is to establish peaceful co-operation among all nations, will vote in favour of the draft resolution in document A/L.501.

193. Mr. CHAYET (France) (translated from French): For the reasons it set forth in the general debate, the French delegation proposes to vote in favour of draft resolution A/L.501 in view of the two basic principles brought out in that text: abstention from the threat or use of force and the right of peoples to self-determination.

194. However, it should be clearly understood that we consider that these are only political principles whose clauses, to be legally binding, must be studied more thoroughly than the General Assembly was able to do in the Sixth Committee and the Special Committee.

195. We believe, in fact, that the General Assembly itself is not competent directly to formulate obligatory rules of law.

196. Therefore, if this resolution is adopted—as we hope it will be—it cannot be included in its present form in the declaration mentioned in the last paragraph of the text before us without being subject to detailed consideration.

197. Moreover, my delegation would recall that it maintains its reservations concerning resolution 1514

(XV) referred to in the last preambular paragraph of draft resolution A/L.501.

198. The PRESIDENT: It has been agreed, in consultation with the sponsors, to put first to the vote the draft resolution sponsored by Algeria, Austria, Canada, Chile, Congo (Brazzaville), Costa Rica, Czechoslovakia, Denmark, Guinea, Iceland, India, Iraq, Madagascar, Mali, Mauritania, Norway, Poland, Singapore, Sudan, United Arab Republic, Yemen and Yugoslavia, as contained in document A/L.501 and Corr.1.

199. We shall now proceed to the vote. A roll-call vote has been requested.

A vote was taken by roll call.

The Ivory Coast, having been drawn by lot by the President, was called upon to vote first.

In favour: Ivory Coast, Jamaica, Japan, Jordan, Kenya, Laos, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives Islands, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Afghanistan, Algeria, Argentina, Austria, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel.

Against: Portugal, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Luxembourg, Netherlands, New Zealand, South Africa, Australia, Belgium, China, Italy.

The draft resolution was adopted by 98 votes to 2, with 8 abstentions.

200. The PRESIDENT: I have been informed that the sponsors of the other proposals do not insist on their being voted upon. I shall now call on those representatives who wish to make explanations of vote after the vote.

201. Mr. PATRICIO (Portugal): My delegation would like to explain very briefly its vote on the resolution just adopted.

202. Portugal has always defended, and continues to defend, the scrupulous observance by all of the prohibition of the threat or use of force against the territorial integrity or political independence of one State by another, which is enshrined in the United Nations Charter. The Portuguese delegation has in the past, on more than one occasion, made this clear beyond doubt, and would like to take this opportunity to affirm it again.

203. The fourth preambular paragraph of the resolution just adopted states in an ambiguous way the right of the peoples subjected to colonial oppression to seek and receive all—I repeat, all—support in their struggle which is in accordance with the purposes of the Charter. In our opinion, there is a contradiction between the first part of the paragraph and the last part, and we fear that, since the use of force is not here expressly excluded some Members will find in it a convenient cover for legitimizing violations of sovereignty of other States on the most tenuous pretext.

204. In this connexion, it is also pertinent to observe that operative paragraph 1 (a), which calls for the strict observance of the principle of the prohibition of the threat or use of force in international relations, omits all reference to the maintenance, equipping and financing of bases for infiltration and terrorist subversion in neighbouring territories, as is now taking place in several parts of the world. Again, operative paragraph 1 (b) does not distinguish between a forcible action that is clearly of an offensive nature and other actions which it may be necessary to carry out for the purpose of legitimate defence. These, in the view of my delegation, are serious defects in the resolution and render it of very questionable value.

205. The authors of the resolution also seem to have forgotten that the Charter, while not condoning, and much less approving, the use of force anywhere, actually stresses the need to resolve all international disputes, if and where they exist, by peaceful methods.

206. As for the principle of self-determination, my delegation would like to make it clear once again that Portugal has never denied and does not now deny this right in any of its national territories. This has clearly been stated by way of a conclusion even in such an important document as the report of the Secretary-General dated 31 October 1963.^{1/} Therefore, any difference in the Portuguese point of view from that of others is solely on the matter of the interpretation of that principle.

207. We should therefore like to stress that, despite some very mistaken and misplaced references to Portugal made by some representatives in the course of the debate on this point, the policies of the Portuguese Government are not in any way in question.

208. At the time when resolution 1514 (XV) was debated and approved in the General Assembly, the delegation of Portugal [947th meeting] expressed grave reservations mainly because of the language in which it was phrased, and abstained from the vote.

209. Other delegations, also, which today support that resolution, at that time agreed with us and for that reason could not express a vote in favour. Others interpreted that resolution so as to suit the favourite policies which their Governments were bent on pursuing in international relations. In one instance, at least, this latter interpretation was utilized in order to employ aggressive force in the resolution of a fancied dispute. We, in Portugal, have been the victims of that aggressive action which unleashed untold sufferings on a section of the peace-loving Portuguese

^{1/} Official Records of the Security Council Eighteenth Year, Supplement for October, November and December 1963, document S/5448 and Add.1-3.

people. The Portuguese delegation must place it on record that, despite all that is contained in resolution 1514 (XV) the principle of self-determination has yet to be applied to that section of the Portuguese people which is now under foreign subjugation. Certainly it does not lie in the mouths of certain delegations which come to this rostrum to invoke the United Nations Charter, because that document was at the time expressly repudiated by their countries in the very halls of this Organization.

210. In view of all this, and consistently with our attitude and convictions, the Portuguese delegation voted against this resolution and hereby expressly places on record its reservations.

211. Mr. KHLESTOV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation would like to give a few explanations concerning its vote.

212. The debate we have held has shown the importance of the question of 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", raised on the Czechoslovakian delegation's initiative (A/6393 and Corr.1), and the vote just taken once again brings out the importance and urgency of that question.

213. In its statement (1461st meeting) the Soviet delegation emphasized that this question is of the utmost importance now that a number of imperialist States are violating the principles prohibiting the use of force in international relations and recognizing the right of peoples to self-determination, in particular the right of colonial peoples to armed struggle. Noting the importance of the question, it emphasized that such acts as the aggression against the Viet-Nameese people and the attempts by the colonialist Powers to crush by force the peoples of Angola, Mozambique, South West Africa and other colonial countries fighting for independence, constituted particularly serious violations of these principles.

214. In these circumstances, the submission of a resolution calling for the strict observance of the above principles is therefore of the utmost importance, and that is precisely the purpose of the resolution just adopted by the General Assembly [resolution 2160 (XXI)].

215. An examination of the resolution makes it clear that operative paragraph 1 (a), which repeats that the General Assembly reaffirms the need to prohibit the use of force, is very closely linked to the first preambular paragraph.

216. Operative paragraph 1 (b) is a logical development of the third and fourth preambular paragraphs which clearly state that the General Assembly reaffirms "the right of peoples under colonial rule to exercise their right to self-determination and independence and recognizes the right of people subjected to colonialist oppression to seek support and assistance.

217. It can, therefore, be seen that the resolution deals with two main questions or concepts. The first reaffirms the principle prohibiting those States which do so from using force in international relations, and

the second recognizes the right of colonial peoples to use force in their struggle against colonialist domination. The resolution also appeals to all States to assist and support colonial peoples in their struggles.

218. Such are the basic provisions of the resolution. The Soviet delegation fully supports this appeal made by the General Assembly, for the resolution is clearly of the utmost importance in the struggle against those imperialist States which use force in international relations. The adoption of this resolution will also help the colonial peoples in their struggle against colonialist domination.

219. Some speakers have thought that this resolution might weaken the United Nations. We consider that its adoption by such a powerful and authoritative body can only help nations in their fight for peace and against colonial domination. The Soviet delegation therefore whole-heartedly welcomes the adoption of this resolution.

220. Mr. CHAMMAS (Lebanon): Many statements made here this afternoon, especially before the vote was taken, in explanation of vote on draft resolution A/L.501 and Corr.1 which the Assembly has just adopted, contained expressions of concern to the effect that this resolution, if adopted by the General Assembly, might create obstacles for the Special Committee entrusted with the formulation of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter. We believe that this resolution will not impede the work of the Special Committee, as has been contended. It will rather help it in its search to find wider areas of agreement and in its consideration of the two principles which are the subject-matter of this resolution, namely, the prohibition of the threat or use of force in international relations, and the principle of the right of peoples to self-determination.

221. We do not claim that this resolution is a statement of international law. But while it is surely not a statement of international law, it would be contentious to claim that it is a pure political pronouncement devoid of legal elements. It is an important political pronouncement which contains important legal elements and which sets norms of conduct and standards of behaviour in the field of international relations for States to follow and implement in their relations with each other.

222. We hope that those representatives who emphasized the political character of this resolution do not forget that the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States is not engaged in a pure legal work divorced from the realities of international life in all its aspects. It is engaged in a very important legal task which will contain, when successfully concluded, important political elements; for a purely legal text on principles of international law exists only in the minds of those who live in ivory towers, away from the realities of international life.

223. The right of peoples to freedom cannot be conceived without the right to self-determination, regardless of how much we try to apply our minds in an effort to think differently. Where there is no self-determination there is no freedom. We noted with

satisfaction what the representative of the United States had to say in his statement. I quote him:

"We are glad that this compromise text recognizes the right of peoples 'to self-determination and freedom and independence'. The draft resolution thus clearly applies to the unhappy instances of those who have been deprived of their freedom or autonomy since the Second World War". [Supra, para. 74.]

224. We endorse fully this statement by the representative of the United States. We had the privilege and the honour of voting for the resolution and we would wish to thank the Ambassador of Austria and the others who co-operated with him in presenting to us this compromise text.

225. The PRESIDENT: I now call on the representative of Czechoslovakia on a point of clarification.

226. Mr. BUSNIAK (Czechoslovak Socialist Republic) (translated from Russian): The adoption by the General Assembly of the resolution on the item dealing with "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" has given practical expression to the widely-held belief that in view of the serious situation at present obtaining in the world, States must renounce forthwith the policy of force and follow in their international relations the principles and purposes of the Charter of our Organization. At the same time, the General Assembly has defended the inalienable right of peoples to self-determination and condemned all acts of force against nations which are striving to throw off the colonialist yoke. The Declaration just adopted will undoubtedly become one of the important General Assembly instruments for consistently upholding the principles and purposes of the Charter in future international relations.

227. The main significance of the documents is that in it the General Assembly reaffirms, in direct relation to the present international situation, principles whose violation in the present circumstances would constitute a serious threat to the general peace and security of nations.

228. The discussion on this item has shown yet again that we have been witnessing an increasingly perceptible and dangerous deterioration in the world situation.

229. An analysis of developments to date in the present situation have shown that the main cause of most major crises is the arbitrary use of force in international relations and the interference by force in the affairs of other peoples. This deep and understandable concern has found its direct expression in the resolution which states firmly in its preamble that dangerous situations in the world due to the arbitrary use of force in international relations constitute a direct threat to universal peace and security.

230. Practically all delegations agreed that this dangerous state of affairs must be put to an end firmly and without delay, before it is too late. This attitude not only expressed the urgent need to do everything possible to bring about a decisive change in the present dangerous international situation, but also showed a

deep-rooted conviction that such a change could be achieved.

231. We noted with satisfaction that the General Assembly strongly reaffirmed that point of view in its resolution and that it expressed its conviction that "it is within the power and in the vital interest of the nations of the world to establish genuinely sound relations between States, based on justice, equality, mutual understanding and co-operation".

232. A number of delegations have provided cogent proof of the relevancy of and direct link between these two principles we have been discussing. I should like to note briefly three important points which clearly show the significance of and the organic link between these two principles.

233. Firstly, the General Assembly has reaffirmed in paragraph 1 (a) of the Declaration the principle that States are bound to strict observance in their international relations of the prohibition 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 purposes of the United Nations. In that connexion, we attach great importance to the clear statement of the General Assembly that "armed attack by one State against another, or the use of force in any other form contrary to the Charter of the United Nations, constitutes a violation of international law giving rise to international responsibility".

234. Secondly, the statement in operative paragraph 1 (b) of the resolution that "any forcible action, direct or indirect, which deprives peoples under foreign domination of their right to self-determination and freedom and independence and of their right to determine freely their political status and pursue their economic, social and cultural development constitutes a violation of the Charter of the United Nations", is a logical development of the principles laid down in the Declaration on the Granting of Independence to Colonial Countries and Peoples, and in General Assembly resolution 2105 (XX).

235. Thirdly, since colonialism by its very nature is a state of continuing illegal application of force, it clearly follows that oppressed peoples have the right to defend themselves by means which will enable them to achieve their inalienable right to self-determination.

236. That right of peoples, still living under colonial domination, is expressed yet again in the preambular part of the resolution, which this time refers directly to the United Nations Charter. From this recognition of the undeniable rights of all colonial peoples the General Assembly has drawn a very important conclusion confirming the right of colonial nations to call for and receive any support they may need in their struggle for liberation.

237. If we were to sum up the essence of the preamble and of operative paragraph 1 of the resolution, we could say that they categorically demand that the principle of the prohibition of the threat or use of force in international relations should be respected, that they condemn any use of force against national liberation movements and again recognize the right of oppressed colonial peoples to fight for their independence, including the right to seek and receive all the support they need for the success of their struggle.

238. In this connexion, may I quote the words of Antonin Novotny, President of the Czechoslovak Socialist Republic. In an interview with the newspaper Al-Ahbar during his recent visit to the United Arab Republic, he spoke on the item the discussion of which we are about to conclude. "A policy of peaceful co-existence," he said, "means resistance to aggression and the support of peoples fighting against foreign domination for their independence and freedom, because if there is to be a stable peace throughout the world then the rights of all peoples must be respected." These words clearly show how interdependent and inseparable are all the points we have mentioned.

239. In the light of what I have just said we regard as of great and immediate importance the urgent, I repeat urgent, appeal addressed by the General Assembly to all States in paragraph 2 of the operative part of the resolution:

"(a) To renounce and to refrain from any action to the above-stated fundamental principles and to assure that their activities in international relations are in full harmony with the interests of international peace and security;

"(b) To exert every effort and to undertake all necessary measures with a view to facilitating the exercise of the right of self-determination of peoples under colonial rule, lessening international tension, strengthening peace and promoting friendly relations and co-operation among States".

240. These two urgent appeals, which directly respond to the needs of the present international situation, contain the essence of the item we have been discussing, and indeed of the whole resolution.

241. I should like to add that when we started discussing this item (1459th meeting) the Czechoslovak delegation stated that the policy of force and the violation of the principle of self-determination of peoples are most harmful to the United Nations and weaken its own capacity to take effective steps to strengthen international peace and security. We have stressed that it is in the interest of our Organization to put an end to the violation of the fundamental principles on which it was founded, and to demand that those who put their own selfish interests above those of the world community should put an end to such policies.

242. In this connexion we attach great importance to the contents of operative paragraph 3, in which the General Assembly authoritatively "reminds all members of their duty to give their fullest support to the endeavours of the United Nations to ensure respect for and the observance of the principles enshrined in the Charter and to assist the Organization in discharging its responsibilities as assigned to it by the Charter for the maintenance of international peace and security;"

243. Part II of the resolution stresses the importance of the item which we have just concluded discussing. Since 1962, the General Assembly has been dealing with the question of the codification and progressive development of the fundamental legal principles of the Charter concerning the peaceful coexistence of States. The aim of the codification work is to formulate the Declaration on Basic Principles of Peaceful Coexistence for the guidance of States in their mutual relations.

244. The Czechoslovak delegation agreed that the resolution adopted on the item under discussion, as well as the records of our discussions, should be used in preparing this declaration. No doubt the Special Committee of the General Assembly will find the records of the debate on this item and the resolution we have just adopted helpful in its efforts to formulate the principles of the non-recourse to force and the self-determination of peoples.

245. In conclusion, the Czechoslovak delegation would like to express its satisfaction at the support given to its initiative by the majority of the States Members of the United Nations. In spite of the scepticism of some delegations which were dissatisfied with the discussion of this item, the results obtained will help peoples in their just struggle against aggression, against the arbitrary use of force, and the violation of the inalienable rights of peoples to self-determination, freedom and independence. Individual efforts to misinterpret various clauses of the declaration so as to twist their real meaning will not and cannot achieve anything.

246. We consider it our duty to thank all those delegations and representatives who showed a true understanding of the meaning and purpose of our initiative and helped in its realization.

247. We would particularly like to express our sincere gratitude to the thirteen delegations which presented the original draft resolution together with us.

248. I should also like to take this opportunity to thank the representative of Austria, Ambassador Waldheim, for his participation in the discussion of draft resolution A/L.501.

249. In conclusion, I should like to appeal to all Members of the General Assembly to do everything they can to ensure that the declaration adopted here today will be implemented and that it will help to improve the international situation by promoting respect for the fundamental principles of the Charter, the maintenance of peace and peaceful coexistence between States, and the development of friendly co-operation among peoples.

The meeting rose at 6.35 p.m.