



CONTENTS

	<i>Page</i>
Agenda item 65: Question of Territories under Portuguese administration: (a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; (b) Report of the Secretary-General Report of the Fourth Committee	1
Agenda item 25: Non-use of force in international relations and permanent prohibition of the use of nuclear weapons (<i>continued</i>)	6

President: Mr. Stanisław TREPCZYŃSKI (Poland).

AGENDA ITEM 65

- Question of Territories under Portuguese administration:
(a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
(b) Report of the Secretary-General

REPORT OF THE FOURTH COMMITTEE (A/8889)

1. Mrs. WEISS (Austria), Rapporteur of the Fourth Committee: I have the honour to present to the General Assembly for its consideration the report of the Fourth Committee on item 65 of the agenda [A/8889].
2. As members are aware, the Fourth Committee decided at the outset of the current session that, bearing in mind the constructive results achieved in the past through the appearance before it of the representatives of the national liberation movements of the colonial Territories in Africa, it should invite the representatives of those liberation movements recognized by the Organization of African Unity [OAU] to participate, in an observer capacity, in the Committee's consideration of their respective Territories. As a consequence, the Fourth Committee was able to receive very valuable first-hand information from the Secretary-General of the Partido Africano da Independência da Guiné e Cabo Verde, [PAIGC] Mr. Amílcar Cabral, and from the Vice-President of the Frente de Libertação de Moçambique, Mr. Marcelino dos Santos.
3. On the basis of that information, and taking into consideration the recommendations formulated by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of

Independence to Colonial Countries and Peoples in that regard, a large majority of members considered it appropriate that the national liberation movements of Angola, Guinea (Bissau) and Cape Verde and Mozambique, which are recognized by the OAU, should be recognized as the authentic representatives of the true aspirations of the peoples of those Territories. Proceeding from this recognition and as a corollary thereto, those members felt that, pending the accession of those Territories to independence, all States, the specialized agencies and other organizations within the United Nations system and the United Nations bodies concerned should, when dealing with matters pertaining to the Territories, ensure the representation of those Territories by the liberation movements concerned in an appropriate capacity and in consultation with the OAU.

4. Further, the overwhelming majority of the members expressed their satisfaction at the continued readiness of the leaders of the national liberation movements of the Territories to negotiate with Portugal for the solution of their conflict with that Government on the basis of General Assembly resolution 1514 (XV). Accordingly, it was their firm belief that negotiations should be initiated at an early date between Portugal and the national liberation movements concerned so as to ensure without further delay the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to the Territories.

5. These and other important considerations are duly reflected in the draft resolution set out in paragraph 17 of the report, which is recommended for adoption by the General Assembly.

6. Mindful of the extensive and thorough consultations which preceded the formulation of the recommendations contained in that draft resolution, I commend the report for the serious attention of the General Assembly.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Fourth Committee.

7. The PRESIDENT (*interpretation from French*): I shall now call on those representatives who wish to explain their vote before the vote.

8. Mr. DIAZ GONZALEZ (Venezuela) (*interpretation from Spanish*): In the first place, I should like to state that my delegation is, as it has always been, in favour of the inalienable right of the peoples of Angola, Mozambique and Guinea (Bissau) and Cape Verde to self-determination and independence.

9. On past occasions we have supported with some reservations the draft resolutions relating to the Territories

under Portuguese administration. Nevertheless, on this occasion we have serious reservations with regard to several paragraphs both of the preamble and of the operative part of the draft resolution which is now before us.

10. Thus, in regard to the fourth preambular paragraph, my delegation reiterates once again its view that for legal reasons it is not possible to agree to the presence of representatives of national liberation movements or any other private organizations in the General Assembly or any of its organs with a status other than that which they have been granted so far in the Fourth Committee, namely, the status of petitioners.

11. In connexion with the seventh preambular paragraph, my delegation has repeatedly stated that we do not have enough or sufficiently precise information on the subject dealt with in that paragraph to be able to make categorical affirmations. Furthermore, this entire subject falls within the competence of the Security Council.

12. As for the tenth preambular paragraph and operative paragraph 2, we do not believe that one can prejudge the representation of the populations of Mozambique and of Guinea (Bissau) and Cape Verde because that would be tantamount to distorting the principle of the self-determination of peoples for the benefit of one political party and to the detriment of other political parties and the rest of the population.

13. Nobody can ensure that a single political party, whatever its ideology, is the exclusive representative of the entire population, unless the people in question has previously been allowed to express its will freely in order to decide by a majority, within a free and democratic framework, who is to represent that people.

14. With all due respect to and admiration for PAIGC, we cannot agree to a breach of the provisions of the Charter. This would set a highly dangerous precedent, i.e. particular for those States, such as my own, whose sole or major defence consists of respect for, and strict application of, the principles and provisions of the Charter. The privileges and obligations established in the Charter can only be granted to or demanded of States Members of the Organization. To become Member States they must fulfil the provisions and requirements proclaimed in Articles 3 and 4 of the Charter. If such provisions are not respected we might reach the extreme of granting the privileges which are today requested in the tenth preambular paragraph and operative paragraph 2 of the draft resolution to any government or political party in exile that claims to represent an entire people.

15. For years this Organization has specifically tried to prevent such an ambiguous situation. We believe therefore that we must require compliance with the provisions of the Charter and allow every organ of the United Nations to exercise the powers and functions allocated to it in the Charter, for the exercise and application of which it has been created. Until such provisions are amended or eliminated from the Charter, any resolution which infringes those provisions, no matter what the majority of votes by which it was adopted, will at the very least lack any valid legal basis.

16. For the reasons I have stated, my delegation could not do other than vote against those paragraphs submitted by the Fourth Committee and therefore we would have liked a separate vote on them. The sponsors of the draft resolution thought, as they had always thought, that a separate vote was neither necessary nor permissible and that the draft resolution should be accepted or rejected as a whole without change. That attitude led my delegation to abstain in the vote on the draft resolution when it was put to the vote in the Fourth Committee.

17. Much to our regret, in view of our firmly anti-colonialist stand, and for the same reasons I have already stated, we shall have to abstain in the vote on the draft resolution in the Assembly.

18. Finally, for strictly legal reasons, we wish to make an express reservation in regard to operative paragraph 4 of the draft resolution.

19. Mr. PATRÍCIO (Portugal): The main objective of the draft resolution contained in document A/8889 is that this Assembly should accept as true the claim made by certain political movements that they are the representatives of the populations of Angola, Mozambique, Portuguese Guinea and Cape Verde.

20. By utilizing, in operative paragraph 2, the expression "authentic representatives of the true aspirations of the peoples", the sponsors probably sought to satisfy the scruples of many delegations which would certainly have refused to accept any formula which might have a strict meaning and precise juridical implications. But this camouflage should not deceive anyone, for it forms part of a well-known tactic employed by those who seek to obtain approval of any principle which they know is giving rise to objections. First the principle is presented in the most innocuous possible form by clothing it in language which seems to limit its purport and extent; but, once that principle has been approved, immediately thereafter the mask is removed, all qualifying expressions that had the effect of limiting its extent are forgotten or abandoned, and they seek to derive the uttermost consequences and implications from it.

21. In the present instance, so great was the eagerness to achieve the objective at once that the authors of that strategy betrayed their intentions too early and, even before the present draft resolution had received approval, gave up the expression "authentic representatives of the true aspirations" in order to say much more simply "legitimate representatives". This is seen from the various statements made in the course of the general debate and is also documented in the letter published as document S/10828.¹

22. Purely and simply, then, what is sought is to ask the General Assembly to give legitimacy, by means of a resolution of that organ, to what is nothing more than a gratuitous assumption of certain political groups, seeing that the populations in question have never recognized in them the title which they claim.

¹ See *Official Records of the Security Council, Twenty-seventh Year, Supplement for October, November and December 1972.*

23. In the first place there is the question whether the General Assembly has any competence to act in a matter of this nature, for the Charter itself does not confer any powers on the General Assembly in this respect.

24. Secondly, any process of verification that did not go beyond blindly accepting as true the allegations made by the interested parties and by the Governments that support those parties would rapidly lead to the conclusion that those allegations had not the slightest basis in reality.

25. The foundations upon which is raised the edifice of the assertion for which approval is sought today are in truth the following. Certain political groups assert a claim to be representatives of certain populations. Third-party States whose partiality is very well demonstrated by the political as well as the material assistance they give to those groups support their claim. Those same States, taking advantage of the numerical strength they enjoy in some international organizations, embark upon a process which consists in approving resolutions containing a reference to those groups; in this fashion they seek to create for those groups an image, and to confer upon them a status, which has not the slightest relation to facts as far as the character, the powers and the representativeness of the said groups are concerned.

26. In short, there is an allegation made by the interested parties; there is subsequent support given to this allegation by the friends of those parties; and there are formulas, empty of content and unrelated to reality, which one party or another has succeeded in including in the texts of resolutions. Side by side with this, there is a total want of proof of the facts alleged; there are contradictions among the diverse versions of the facts alleged; and there are also aspirations voiced that appear ridiculous.

27. Now, it must be recognized that the fundamental aspects of the draft resolution are based on the supposition that the so-called liberation movements represent the populations of the Territories under discussion. Once that supposition is proved false the draft resolution before the Assembly falls to the ground since there is no longer any solid basis upon which it can rest.

28. To the dogmatism with which it is sought to impose upon Portugal the unconditional acceptance of certain premises as the basis for a discussion of the problem, the Portuguese Government has always replied with an attitude of goodwill and flexibility, seeking ground on which it would be easier to come to an understanding and proposing procedures which would appear to be more constructive. Thus, the Portuguese Government has suggested, in particular, that certain questions of disputed fact should be clarified by means of impartial verification, a procedure that would seem to be indispensable if any conversations destined to take those facts into account are to lead to possibly fruitful results. Portugal has sought incessantly to clarify certain aspects of its policies and its actions in the overseas provinces, even when conditions have been created that render the presentation of such verifications difficult. Above all, Portugal has refrained from reacting with measures of retaliation or reprisal to numberless acts of provocation of which it has been the victim. It has not shut off any possible channels of communication but, on the

other hand, has replied with promptitude and without second thoughts to every sign that might appear to indicate a desire on the part of sovereign African States to debate the issues.

29. The Portuguese delegation is unable to understand the advantage of systematically ignoring its suggestions and proposals, or of seeking to give to them certain interpretations of fact which naturally exclude any constructive discussion.

30. We trust that representatives in this General Assembly will take due account of all these considerations and that they will not contribute lightly by their votes to the creation of a situation which would in each instance render more difficult and more remote the possibility that any constructive discussions might take place concerning the subject to which this draft resolution relates.

31. Mr. GELBER (Canada): In considering this year's draft resolution on Territories under Portuguese administration we could not but be influenced by Portugal's continuing reluctance to make any effort to advance its African Territories towards self-government—this in spite of previous General Assembly and Security Council resolutions embodying the principle of self-determination, and despite ever-increasing expressions of frustration by almost all nations concerning Portugal's rigid and uncompromising colonial policy.

32. It is encouraging to learn that intensive consultations have been carried on between the sponsors and others in the Fourth Committee about the text of this draft resolution, and we welcome the wide degree of agreement that has been achieved despite many important reservations. This agreement was indicated in the Fourth Committee by more than 100 favourable votes, including that of Canada. We are particularly heartened by the new initiative, in operative paragraph 3, calling for negotiations between the Government of Portugal and the peoples of the respective Territories. This conforms with Canada's often-stated view that conflict should be settled by peaceful means, through negotiations between the parties. It is our hope that the Government of Portugal and the representatives of the national liberation movements will give immediate sympathetic consideration to this recommendation, which offers the only alternative to an escalation of armed conflict and increased suffering. In this respect we particularly welcome operative paragraph 8, which looks to the good offices of the Secretary-General to assist in these important negotiations.

33. In supporting the right of the people of these Territories to choose their own representatives, we cannot agree with the provisions of operative paragraph 2, which would have the General Assembly make this designation on their behalf; nor does the Charter give such a right to the General Assembly.

34. My delegation also wishes to express once more its reservations about violent solutions to these problems and to references in this draft resolution which imply support for such activities.

35. With reference to operative paragraph 5, Canada has complied strictly with Security Council resolutions regarding arms sales to Portugal.

36. As for operative paragraph 6, we continue to oppose attempts to interfere with trade in peaceful goods with Portugal and its Territories.

37. The above reservations about the draft resolution before us on the question of Territories under Portuguese administration are outweighed, however, by our positive reaction to negotiation proposals and by our belief that this offers the parties an opportunity to make substantial progress toward a peaceful solution.

38. The PRESIDENT (*interpretation from French*): The General Assembly will now take a decision on the draft resolution recommended by the Fourth Committee in paragraph 17 of its report, [A/8889]. A roll-call vote has been requested.

A vote was taken by roll call.

Portugal, having been drawn by lot by the President, was called upon to vote first.

In favour: Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Ghana, Greece, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland.

Against: Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Brazil.

Abstaining: Uruguay, Venezuela, Belgium, France, Guatemala, Honduras, Italy, Luxembourg.

The draft resolution was adopted by 98 votes to 6, with 8 abstentions (resolution 2918 (XXVII)).²

39. The PRESIDENT (*interpretation from French*): I shall now call on those representatives who wish to explain their votes after the vote.

² The delegations of Democratic Yemen, Equatorial Guinea, Guyana, Lesotho, Niger, Sri Lanka and Togo subsequently informed the Secretariat that they wished to have their votes recorded as having been in favour of the draft resolution. The delegation of Mali subsequently stated that it wished to have its vote recorded as having been in favour of the draft resolution (see paras. 59-61 below).

40. Miss BENNATON (Honduras) (*interpretation from Spanish*): The delegation of Honduras wishes to explain its vote of abstention on the draft resolution submitted in document A/8889 and in the vote just taken in the General Assembly on the item on the "Question of Territories under Portuguese administration".

41. The people and Government of Honduras have the deepest sympathy with the aspirations of the peoples of the Territories under Portuguese administration and basically we support the right of these peoples to self-determination and independence. Honduras considers that Portuguese domination over these Territories is a historical anachronism and a deplorable and unjust situation in every sense, which should be remedied and corrected as soon as possible.

42. Nevertheless, even though my country has the deepest sympathy for the peoples of Angola, Guinea (Bissau), Cape Verde and Mozambique, my delegation finds itself confronting real difficulties with the text of the draft resolution adopted today by the General Assembly. In the seventh and eighth paragraphs of the preamble of the resolution Portugal's policy is condemned. The term "condemning" seems to us to be inappropriate in the preambular part. We would have preferred wording that was more acceptable, such as "deploring" or "regretting", because we consider that the word "condemning" is out of place in the preamble.

43. My delegation also finds difficulties with paragraphs 2 and 4 because they can be interpreted in ways different from what was intended. In paragraph 4 particularly, the words "all the moral and material assistance necessary to continue their struggle for the achievement of their inalienable right to self-determination and independence" allows for an interpretation which implies approval of armed struggle. Honduras does not favour violence and does not approve the use of armed force to achieve political ends. For that reason, we cannot support this dangerous policy which destroys peace.

44. The Government of Honduras supports the initiative and spirit expressed in the resolution to negotiate about the problems of the Territories under Portuguese administration and to reach a peaceful agreement, so that these suffering people may at last obtain their freedom and independence. But my country sincerely hopes that their just aspirations will be achieved without unnecessary bloodshed, because these acts of violence only engender hatred and a desire for revenge.

45. The fervent desire of the people and Government of Honduras with respect to the peoples in the Territories under Portuguese administration is as follows—and here I venture to quote something written by the great North American statesman, Benjamin Franklin:

"God grant that not only the love of liberty but the solemn knowledge of the rights of man will pervade all the nations of the earth so that anybody may set his foot anywhere on its surface and say, 'This is my country'."³

³ Quoted in English by the speaker.

46. Mr. GARCIA ROBLES (Mexico) (*interpretation from Spanish*): My delegation wishes to explain very briefly that its vote in favour of the draft resolution which the General Assembly has just adopted is to be understood as being subject to the same reservation as the one which we stated yesterday at the 2001st meeting of the Fourth Committee when it adopted the draft resolution and which is reflected in the relevant document. This reservation applies to the tenth preambular paragraph and to paragraph 2.

47. Mrs. JOKA-BANGURA (Sierra Leone): The Sierra Leone delegation has voted for the draft resolution contained in document A/8889 in every detail. This is because we feel that this draft resolution is not only honest and well-meaning, but equally constructive. Unlike former resolutions on the item, it has as its key element the concept of negotiation, which my delegation believes must be the ultimate means of solving every colonial problem.

48. Paragraph 3 is the focal point of the draft resolution, with subparagraphs (a) and (b) as the logical prerequisites for negotiations in a peaceful atmosphere. For even within the walls of the United Nations we have heard the argument that there could be no negotiations without a cease-fire and the humane treatment, if not return, of prisoners.

49. There is also in paragraph 8 a provision for the possibility of third-party participation, for the Secretary-General is asked "in particular to provide such assistance as may be necessary with respect to the negotiations referred to in paragraph 3". No one questions the suggestion of negotiations between Portugal and the liberation movements. In fact, many have applauded it. As has been established by the report and the statements by the leaders of the liberation movements, *de facto* control of the liberated areas is clearly in the hands of the liberation movements.

50. Paragraph 2 reaffirms that these movements, with which Portugal should negotiate, represent the true aspirations of the peoples, and we do not believe this would prejudice any future development in these Territories.

51. On 20 November 1969 the General Assembly adopted, by 113 votes in favour, 2 against and 2 abstentions, resolution 2505 (XXIV) on the Manifesto of Southern Africa adopted by the Assembly of African Heads of State and Government of the OAU. Paragraph 1 of that resolution reads:

"Welcomes the Manifesto on Southern Africa and recommends it to the attention of all States . . .".

A portion of that Manifesto reads:

"But while peaceful progress is blocked by actions of those at present in power in the States of southern Africa, we have no choice but to give the peoples of those territories all the support of which we are capable in their struggle against their oppressors."⁴

⁴ See *Official Records of the General Assembly, Twenty-fourth Session, Annexes*, agenda item 106, document A/7754, para. 12.

52. Paragraph 4 of the present resolution reflects these same views in its appeal to Governments and specialized agencies to do the same thing—within their competence, of course. Besides, paragraphs like this one have been adopted before in this Assembly on the recommendations of the First, Second and Third Committees. My delegation has never regarded the wording used in paragraph 4 as condoning violence as a means of self-determination.

53. Paragraph 5 of the resolution refers to Governments and certain Powers members of the North Atlantic Treaty Organization—not NATO itself—which are supplying arms to Portugal. Enough evidence has been supplied by the liberation movements, which have traced the origin of weapons seized from Portuguese soldiers to certain Powers which are members of NATO. We have no objection to appealing to those countries to stop supplying those weapons, especially as they are being used to perpetuate colonialism.

54. We also have no quarrel with paragraph 6. Realizing the difficulties involved, this paragraph has not recommended that Governments should institute legislation to prevent their nationals from carrying on transactions or arrangements that contribute to Portugal's domination over the colonial Territories and impede implementation of the Declaration with respect to them. Instead it recommends that Governments should discourage their nationals from doing so. Surely, any Government that cannot even discourage its nationals from doing something cannot boast of being a Government at all.

55. In spite of the fact that the resolution has focused merely on negotiations as the best means of solving the colonial problem, it has not been hypocritical enough to ignore certain parts of the reports on which the major part of the debate was based. For example, who can quarrel with the fact that Portugal not only has persistently voted against General Assembly resolutions on the Portuguese Territories but has never complied with any of their provisions? Its very absence during the whole debate is a sign of utter contempt for the Organization, and should it not be condemned for that?

56. In the report of the Special Mission⁵ and the Special Committee and in the statements of Mr. Amílcar Cabral⁶ and Mr. Marcelino dos Santos⁷ on 16 and 17 October 1972 respectively, there are clear facts of indiscriminate bombing of civilians and the destruction of whole villages as well as property. During the course of this year the Special Committee received a letter from Mr. Cabral stating that a school which the Special Mission had visited had been destroyed by Portuguese bombs. Last year some petitioners from the Cape Verde Islands who had been maimed by the effects of the use of napalm bombs appeared before the Fourth Committee,⁸ and from their reports we note that the use of napalm continues.

⁵ *Ibid.*, *Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1)*, chap. X, annex I.

⁶ *Ibid.*, *Fourth Committee*, 1986th meeting.

⁷ *Ibid.*, 1987th meeting.

⁸ *Ibid.*, 1958th meeting.

57. Since 1963 the Security Council has adopted 14 resolutions in which Portugal has been condemned as a result of complaints of aggression made by States bordering on Portuguese Territories. Any action designed to perpetuate colonialism or racial discrimination has been condemned and must continue to be condemned by this Assembly, and the collaboration between Portugal, South Africa and Rhodesia and the joint use of their police and army as well as the use of South African nationals to suppress the peoples of Angola and Mozambique deserves such condemnation. These actions have been established by the reports and by the statements heard by the Committee. The resolution has been honest enough to refer to these facts in the sixth and seventh preambular paragraphs.

58. In conclusion, my delegation would like to reiterate what it stated earlier: that it considers this resolution honest, well-meaning, forward-looking and constructive. Its aim to be constructive has not blinded the sponsors of the resolution to the facts presented in statements and reports, and we have only chastised where chastisement is due.

59. Mr. CISSÉ (Mali) (*interpretation from French*): This morning the General Assembly took a decision on the draft resolution contained in document A/8889 on the question of the Territories under Portuguese Administration.

60. For reasons beyond my control I was unable to participate in the voting. But I wish to explain clearly that Mali, as a member of the Special Committee and a sponsor of that draft resolution, could only vote in favour of it. We would have confirmed unequivocally our vote of yesterday in the Fourth Committee in support of the draft resolution.

61. In conclusion I wish to say that the position of Mali on the problem of decolonization remains unchanged. Mali firmly supports all national liberation movements in their legitimate struggle against colonial domination and for true independence.

AGENDA ITEM 25

Non-use of force in international relations and permanent prohibition of the use of nuclear weapons (*continued*)

62. Mr. ROSSIDES (Cyprus): The Charter's prohibition of the use of force in international relations constitutes the cardinal principle of the United Nations; for that principle marks the essential transition introduced by the Charter from the traditional concept of force as the arbiter in international relations to the new concept that that arbiter is the use of reason. As distinct from the Covenant of the League of Nations that aimed at restricting but not prohibiting war—which continued to be considered as a legitimate exercise of sovereignty—the Charter, in Article 2, paragraph 4, virtually outlawed not only war, but also any use or even threat of force in international relations other than in self-defence—under Article 51 strictly limited to cases of repelling actual armed attack.

63. The success or failure of the United Nations, as an Organization established to maintain international peace and security, would depend upon the degree of respect by its Members for this cardinal principle, which is basic to the proper functioning of the Organization, as intended and

delineated by the Charter. Although the commitment to peace made by virtue of this Article is one of paramount importance, and implies a commensurate responsibility to respect it, such an important commitment was nevertheless genuinely accepted and solemnly undertaken by the founding Members of the Organization.

64. The sobering experience of devastating air bombings in the Second World War that made possible the mass destruction of cities and their civilian populations brought a realization that war had become such "a scourge" that it should be completely eliminated in the relations between nations. War, however, is but an attribute of the concept of the use of force. Hence the general acceptance by the founding fathers of the prohibition of war as the only means of eliminating war. The need for strengthening the concept of the non-use of force should have been enhanced by the advent of nuclear weapons, which involve, beyond the vastness of mass destruction, the still graver threat to the environmental conditions of life on this planet. Yet, the international community has witnessed repeated violations of this principle. A needed reaffirmation and strengthening of the principle would have been one of the primary responsibilities and duties of the General Assembly and the Security Council, but we must not forget that the climate of cold war which supervened soon after the establishment of the United Nations rendered impractical and well-nigh impossible any effort to obtain adherence to this principle in a mounting atmosphere of antagonism, friction and recrimination.

65. More recently, reference to this particular Article of the Charter was made in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations [*resolution 2625 (XXV)*] and the Declaration on the Strengthening of International Security [*resolution 2734 (XXV)*]. It is, however, only now that this principle is put forward as a separate item for reaffirmation by the General Assembly with a view to its enhancement and the adoption of measures by the Security Council to ensure compliance with it.

66. Looking at the intrinsic merit of the substance of this item, independently of any extraneous considerations, we feel that it is our duty to support it as a measure to strengthen the United Nations Charter and this is consistent with our stand in the United Nations on this very subject over the years.

67. It also seems to my delegation that the time is in a sense not inappropriate for a more determined effort to make the prohibition of the use or threat of force a more realizable and effective provision of the Charter. The reasons are the following.

68. First, it is generally recognized that we are in an unprecedented period of *détente* of which there are increasing manifestations. Apart from the very important agreements reached as a result of the Strategic Arms Limitation Talks, which have limited the production of defensive nuclear weapons, contacts between East and West have marked a definite step forward. The wise and imaginative policy of the President of the United States, as shown by his visits to Peking and Moscow, have opened

new doors to international understanding; and it is also gratifying to note the positive progress already achieved in the constructive negotiations on Viet-Nam and in the most promising prospects of peace in that area. The talks between North and South Korea, on the other hand, are also hopefully advancing. In Europe the separate agreements reached by the Federal Republic of Germany with the Soviet Union, as well as with Poland, are of particular importance, and so are the agreements now signed between East and West Germany. Furthermore, the scheduled conference on the security of Europe, soon to take place in Helsinki, as well as many other indications, show that we are moving towards a new spirit of understanding and accommodation, revealing also a general recognition by all sides that differences can be solved not by positions of force but by peaceful negotiation and accommodation.

69. The second reason is that the experience of 27 years since the establishment of the United Nations is bringing to the people and to the political leadership of all nations a general realization of the radical change that has come about in the very meaning of what war and national security are in a technological era overshadowed by the threat of the nuclear weapon.

70. War is now a totally different concept from what it has traditionally been all through the ages. It is no longer the clash of armies on the honoured field of battle, but the wholesale and indiscriminate destruction of cities and their innocent populations by air attacks and missiles. In a nuclear era, furthermore, there can be no victory in war. There can only be mutual defeat and destruction for both sides to the conflict, with inevitable wider repercussions. It has also been made apparent that no problem can be solved through war, and no problem has been so far, since the United Nations was established. And no war can be brought to a successful—or indeed to any—conclusion. Sooner or later the parties will have to come to the negotiating table, as we witness now in the world situation.

71. These realizations indicate that from all aspects peaceful effort towards the solution of differences is much preferable to the unnecessary tragedies of war.

72. Similarly, the concept of national security in terms of armaments and force is increasingly becoming unrealistic. It is rendered wholly meaningless in an age when the homeland can be actually devastated and its people destroyed in a matter of minutes by missiles launched, perhaps, from the other side of the globe with no stockpile of national armaments being able to give any actual protection or defence. On the other hand, a precarious peace hanging by the thin thread of deterrence based on a balance of terror is neither a healthy nor a rational way of international life. It should therefore be considered unacceptable and intolerable in a civilized world.

73. The third reason is that the growing spread of anarchy, recently manifested in a wave of acts of terrorism and violence all over the world, which have been made easier by technologically advanced methods, calls for a more determined effort by the world community to seek an international legal order through adherence to the Charter, and more particularly adherence to its prohibition of the use or threat of force in international relations. The inhumanity of

terrorism, which we all abhor, is psychologically not unrelated to the inhumanity of the terror of war by modern methods—that is, war that ignores the protection of innocent civilians or the humane treatment of populations in the areas of fighting. A more effective effort towards compliance with the Charter provisions concerning the non-use of force in international relations would therefore be of basic value to progress towards a highly desirable and necessary international legal order through the United Nations.

74. It is generally understood and accepted that the liberation struggles against foreign domination do not fall within the Charter prohibition of the use of force in international relations and are not affected by it. Similarly, in cases where the territory of a State has been invaded and militarily occupied, the use of force to liberate that territory from the effects of such an invasion is a legitimate exercise of force in defence of that territory if there is no other way to liberate it.

75. As for nuclear weapons with reference to this item, the prohibition of the use of force would *a fortiori* imply prohibition of the use of nuclear weapons. However, prohibition of their use is not sufficient. In this case also, the production and development of nuclear weapons should be halted and the aim of disarmament should be no less enhanced by any resolution adopted on this item.

76. The role of the Security Council on this item is one of vital importance, for the Security Council can take enforceable decisions. The General Assembly expresses world public opinion and the determination of the international community as to what has to be done on a particular issue in the interest of mankind as a whole, an interest which is inseparable from the real interest of every nation as its component part. Its resolutions, however, are only recommendations. It is for the Security Council to conform to their spirit and to give effect to those recommendations. However, General Assembly declarations and recommendations and Security Council resolutions and decisions, if they remain on paper and are given no effect, are of but little merit. And perhaps therein lies the crux of the problem, for there is often, as we know, a divergence between solemn commitments in the United Nations and national actions in practice. This cannot but affect the image of the United Nations and in the long run shake confidence in the relevance of the Organization's pronouncements.

77. This is but a crisis in transition, for man is seemingly unable yet to cope with the speed and enormity of changes in values in our technological era; he is consequently unable to adjust to the new values and the moral imperatives of our present age. Yet recently there have been some indications of some slight improvement towards such an adjustment, an improvement offering glimpses of hope that a new approach to world problems might bring progress towards their peaceful solution, and it is in this hope that I end my statement. I reserve the right to speak on any draft resolution. My delegation will gladly co-operate on any generally acceptable draft resolution on this subject.

78. Mr. SHARAF (Jordan): There is a certain paradox for a delegation from a small and developing country like mine in taking the floor on the subject of the non-use of force

and nuclear disarmament. It is both presumptuous and very proper. The presumption is obvious when the delegation of a small and developing country indulges with the great and the mighty in a discourse on the nuclear calculus and the control of super-power. But it is indeed very proper for small countries to show a deep and genuine concern for an effective control of force in international relations and for an assurance against a universal holocaust. Perhaps, as small and developing countries, we have a less abstract and mathematical concept of the subject and a more direct and concrete contact with it. Our borders and national soil are more accessible to superior unchecked force; our treasuries are less capable of withstanding the drainage of armament. And when a small country has, like mine, tasted the agony of war and occupation, it can claim some right to speak on the subject with strong feelings.

79. The basis for any arms control, nuclear or conventional, is the progressive control of the use of force in international relations. This requires a definition of the juridical and political values which should govern the use of force in relations among States.

80. These values have been made clear in the most basic documents of international organization. Foremost of these is the Charter of the United Nations on which the whole structure of international coexistence and co-operation is based.

81. The fundamental basis in the law of the Charter on the subject is expressly stated in Article 2, paragraphs 3 and 4, which, of course, have to be read in close conjunction with Article 51 and in the light of the repeated emphasis the Charter places on the concept of justice, in the Preamble, in Article 2 and elsewhere.

82. Article 2, paragraph 3, binds Member States to settle international disputes by peaceful means in a manner that ensures international peace, security and justice. Paragraph 4 of the Article binds them to refrain in their 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. Article 51 recognizes that individual and collective self-defence is an inherent right. This, of course, is the other side of the coin of renunciation of force in international relations.

83. There is no doubt that these principles and provisions provide the essential legal framework for the peaceful coexistence of States and for the deliberate control and reduction of armaments, conventional and nuclear. The accumulating United Nations documents on the subject and the declarations and political efforts made in this direction are part of our international legacy, which must be broadened, deepened and translated into effective measures and concrete action. The General Assembly elucidated these basic principles more recently in the Declaration on Principles of International Law Concerning Friendly Relations and also in the Declaration on the Strengthening of International Security.

84. The initiative of the Soviet Union in bringing the present item to the Assembly [A/8793] must be welcomed as a contribution to the growing international legislation on

the subject. It reflects and must promote the present climate of world opinion, which is opposed to uncontrolled force in international relations and its most frightening symptom, the nuclear threat.

85. My delegation, while viewing positively any constructive initiative in this regard, has a number of observations to make.

86. The first concerns the necessary relationship between the growing international concern about the problem of force and the limited but definite achievements in the area of the progressive control of armaments and nuclear weapons. There is no doubt that the growing international concern about the problem, reflected in particular in the above-mentioned Declaration and similar documents, has helped to create a climate conducive to concrete action in this direction.

87. In the field of disarmament there have in recent years been positive achievements: the conclusion of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction [*resolution 2826 (XXVI)*]; the agreements between the United States and the Soviet Union on the limitation of strategic weapons⁹ the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water;¹⁰ the Treaty on the Non-Proliferation of Nuclear Weapons [*resolution 2373 (XXII)*] and the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof [*resolution 2660 (XXV)*]. My delegation, like most other delegations of developing countries, regards these as positive and useful developments.

88. The second observation I wish to make relates to the question of force in international relations. As I stated at the outset, it is essential to establish in our definition of the concept of the non-use of force the necessary balance between peaceful behaviour and legitimate self-defence. The Charter and the principles of peaceful coexistence are not a legal guarantee of the *status quo*, still less a one-sided control over nations seeking independence or struggling for self-determination. That must be made abundantly clear in the tone, wording and content of international legislation and United Nations approaches to the question.

89. When the Charter was drafted and the direction of the United Nations set, both reflected the climate and concern of the people of that time and their fears. We now have new fears and concerns. The process of decolonization is rapidly occurring, within the framework of interests of the United Nations. The issue of self-determination is now in the foreground, and the problem of the suppression of national self-determination calls for active attention by the United Nations. How can the use of force in the absence of an alternative be denied to a people suppressed through force by a colonial occupying State? In fact, the logic of international justice and the Charter demand that the

⁹ Signed in Moscow on 26 May 1972.

¹⁰ Signed in Moscow on 5 August 1963.

United Nations itself put force at the disposal of nations under colonial or expansionist occupation.

90. My country, Jordan, like others in the Middle East, in Africa and elsewhere, has a vivid and acute experience of the failure of United Nations machinery to check violent force and occupation. When justice is enforced, force is not justified.

91. The conclusion to be drawn is that there are two categories of relationships among States which involve the question of force in international relations and require clear standards of judgement. There is the traditional relationship among States, which must be governed by the principles of co-operation and mutual adjustment provided for in the relevant provisions of the Charter. The Charter and other documents emanating from the United Nations have elaborated the rules of peaceful conduct, mutual co-operation and amicable settlement of disputes within this category. Our duty is to develop, deepen and strengthen these rules and principles, as well as to promote the political climate conducive to the mutual adjustment and lessening of tensions involved in this category of international relations.

92. The Soviet draft resolution [A/L.676] addresses itself to that concern, and in this regard one must also cite some favourable political developments. Agreements have been concluded between the Union of Soviet Socialist Republics and the Federal Republic of Germany and between the Polish People's Republic and the Federal Republic of Germany. There have been talks between North and South Korea for the first time in more than 20 years. India and Pakistan are making every effort to bring the distressing conflict in the South Asian subcontinent to a satisfactory end. Last, but not least, the whole world is hopeful about the news of the impending peace agreement in Indo-China.

93. All those examples prove that the prevailing world climate favours abandonment of the use of force in settling international disputes. It is our duty as a community of nations to enhance and strengthen this positive trend.

94. The exceptions to such a trend are those in Africa and the Middle East, where justice and self-determination must be ensured first in order to construct a lasting structure of peace. The United Nations has a duty to address itself to the basic causes there. The struggle for independence and against occupation and foreign subjugation is the legitimate extension of the concept of the non-use of force in normal international relations.

95. My delegation hopes that at the conclusion of the debate on this important item the Assembly will develop a common, balanced approach reflecting the realities of the international situation and the concern of many people. We welcome the inclusion of this item in the agenda and the debate thereon and hope that the final decision on the question will help the cause of peace in the world.

Sir Colin Crowe (United Kingdom), Vice-President, took the Chair.

96. Mr. BENITES (Ecuador) (*interpretation from Spanish*): First of all I should like to express the respect and sympathy of my delegation for the praiseworthy effort

toward international peace and security made by the Union of Soviet Socialist Republics in requesting the inclusion of item 25 in the Assembly's agenda and in submitting draft resolution A/L.676.

97. At the twenty-fourth session, the Soviet Union proposed another item which, like this one, was important in that it advocated the possibility of a progressive development of a principle which is implicit in the Charter. I am referring to the strengthening of international security [item 103] which was the subject of a full debate, met with many objections, and was finally dealt with in the co-ordinated study by eight representatives of the four groups which had submitted proposals. I happened to participate together with my friend, the Permanent Representative of Brazil, Ambassador João de Araujo Castro, on behalf of the Latin American Group, in the work which resulted in the conciliation of very different points of view and the attainment of one of the most comprehensive documents produced by the United Nations.

98. The item which the Soviet Union has now brought before us is even more specific in its relationship to the Charter. It refers to the essential principle on which the entire structure of the Charter is based; the prohibition of the threat or the use of force in international relations. It would have been desirable if, instead of the brief time allocated to it at this session, more extensive consideration could have been given it so as to arrive at a more perfect resolution.

99. If the Charter cannot be amended because the five permanent members of the Security Council reserved for themselves the right to exercise the veto not only in the Council but also in the Assembly—since the provisions of Articles 108 and 109 are tantamount to a veto—an advance in the principles contained in the Charter can only be achieved for the time being by progressive development, by resolutions which define, establish, specify and clarify the scope of these principles.

100. I wish to mention the interest of my delegation in the item proposed for the agenda by the Soviet Union, even though the title itself only refers to the use of force and not to the threat of the use of force; and what is more, it seems to tend to establish a relationship between the aforesaid principle and the prohibition of nuclear weapons, which is not desirable either technically or politically. While the first doubt is of course dispelled on reading the text of the draft submitted by the Soviet Union, the second doubt grows, in my modest opinion, on reading the text. I shall now try to explain my delegation's point of view as briefly as possible, and if I do not succeed in this, at least I shall be as precise as possible.

101. Our point of departure is that force as a means of settling disputes or as a way to create, extinguish or alter rights, has been prohibited. Not only has its use been prohibited but the threat of its use as well. Accordingly, my delegation believes that there is nothing to warrant the separation, in the title of the item under discussion, of the threat of the use of force from the use of force. This is what is stated in the Charter and it is natural that that

should be so, since the Organization came into being as a result of a war, and the first words of the Charter are:

“We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind . . .”

They thereby undertook *inter alia* “. . . to practice tolerance and live together in peace with one another as good neighbours . . .”, as stated in the Preamble.

102. It is interesting that the Charter, except in the Preamble and as a scourge of the past, does not use the word “war”. It refers to acts of aggression, except for the anachronistic reference to the Second World War in Articles 53 and 107. That was because war was already prohibited as a means of creating, extinguishing or altering rights since the time when, 10 years after the end of the First World War, the Briand-Kellogg Pact was signed in Paris in 1928, the clauses of which created a principle of international law which was to become a positive, definitive, peremptory rule. Thus, with the end of the Second World War, it was considered that the breach of the peace was a crime and the legal concept of crimes against peace came into being. Likewise the mass destruction of civilian populations on both sides and the indiscriminate attack against combatants and non-combatants created a new concept of crime, that of crime against humanity. And lastly, the flouting of the Geneva Protocol of 1925¹¹ by using weapons such as incendiary and chemical weapons typified the nature of war crimes even before the United Nations came into being. Therefore war, considered as a crime, could not appear in the Charter. A broader and more precise expression was used, which is the one we find in Article 2, paragraph 4 of which states:

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

103. The prohibition of the threat or use of force in international relations is supplemented by the other provisions of that same Article 2. Thus, since the Organization is based on the sovereign equality of States, when the Charter refers to the fact that no one shall resort to the threat or use of force against the territorial integrity or political independence of any State, it is clearly indicating that it is also forbidden to resort to the use of force or the threat of force to challenge the sovereignty of States. Furthermore, this principle is linked to the obligation to settle disputes by peaceful means, as is stated in Article 1, paragraph 1, and in Article 2, paragraph 3, and in Chapter VI of the Charter.

104. It is natural that the prohibition of the threat or use of force in international relations should be closely linked to the condemnation of all acts of aggression. It would have been preferable had the Soviet Union supported the

definition of aggression in the broad and precise manner which it sought to do when it advocated the establishment of the Special Committee on the Question of Defining Aggression.

105. The points of view of the third world have not always coincided exactly with the views of the super-Powers, although at one time there was a certain similarity of approach between them. The need to define aggression is, therefore, closely linked to the prohibition of the threat or use of force in international relations.

106. Having said earlier that the title of item 25 seems incomplete, since it refers almost entirely to the use of force but does not mention the threat of the use of force, I should now like to refer to the link which it is attempted to establish between the need to refrain from the use of force in international relations and the prohibition of nuclear weapons. It is perfectly logical that in a prohibition of the use of force, pride of place should be given to the most powerful weapons and therefore to all weapons of mass destruction, namely nuclear and thermonuclear weapons, which represent an average explosive potential of 15 tons of TNT per person for the entire world population, without taking into account the fact that, besides their explosive power, nuclear weapons discharge isotopes with a long half-life which can create disturbances and actual threats to human life. These include, for example, strontium-90 which, because it is a calcium isotope, is absorbed in the bones; caesium-137, which acts like sodium by altering the tissues, besides other products as dangerous as iodine-131, which is absorbed in the thyroid and destroys it, with serious consequences to human health and life, and carbon-14, which has serious genetic effects. These death-dealing substances are carried by atmospheric currents to areas far removed from the site of the explosion, thus constituting a danger to all mankind.

107. We must, however, ask ourselves why this interest only in nuclear weapons, forgetting that there exist other weapons of mass destruction which are equally cruel and painful, such as incendiary weapons, particularly hydrocarbon plastics such as napalm, or white phosphorus or others with combinations of various metals, besides the chemical weapons which not only act on men and animals, but also act as defoliants or soil sterilizers. The prohibition of the threat or use of force should not be limited solely to nuclear weapons, but it should cover all weapons of mass destruction so as to reach the goal of general and complete disarmament which was, for the first time, brought to the General Assembly by Nikita Khrushchev in 1960.

108. After these general considerations, I should now like to analyse draft resolution A/L.576, submitted in Russian as the original language by the Union of Soviet Socialist Republics.

109. We have no comment whatsoever on the first paragraph of the preamble which, unlike the title, does refer to the threat of force, not only to the use of force.

110. The second paragraph of the preamble deals with facts, but these facts are not necessarily connected by saying that at the same time that the general use of force still occurs, the threat of the use of nuclear weapons also

¹¹ Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.

exists. Perhaps this paragraph would have a more precise meaning if the text were to say that it considers that the use of force, in violation of the United Nations Charter, including the threat of the use of nuclear weapons, still occurs—and this would be a much more precise concept. In this way the text would no longer give the impression which one now gathers from the draft resolution that its primary purpose is the prohibition of the threat or use of nuclear weapons and not the general prohibition of all types of weapons.

111. Likewise the third and fourth paragraphs of the preamble combine ideas which are not necessarily interconnected, because what the text is attempting to rule out is the threat or use of force: aggression in any form.

112. Operative paragraph 1 raises serious doubts for my delegation. In the first place, it solemnly proclaims as a principle non-recourse to the use of force or the threat of force, but this is an integral part of the Charter, which was proclaimed 27 years ago. Possibly this is a problem of semantics, of translation, because one cannot proclaim today that which was proclaimed at the time when the Charter came into force. This is not a new principle. Operative paragraph 1 states: "Solemnly declares, on behalf of the States Members of the Organization...". The General Assembly is naturally representative of all the States Members of the Organization, so that to use this expression seems to be redundant.

113. Now, as it is worded, at least in Spanish, it is obvious that what the draft resolution declares is something which is already in the Charter—the renunciation of the threat or use of force in international relations—and to this the text then adds the permanent prohibition of the use of nuclear weapons, which is not a principle of the Charter; that is to say, real confusion is introduced between the reiteration of a principle and the formulation of an aspiration for a permanent prohibition of the use of nuclear weapons. Still referring to the Spanish text, I believe it would be preferable to have a wording which would state: "Reiterates, in accordance with the United Nations Charter, the renunciation of the use or threat of force in international relations..." and then it could go on to state: "and, accordingly, the permanent prohibition of the use of nuclear weapons and of all other weapons of mass destruction". It may appear that this is a matter of semantics or of drafting, although my delegation does not think so.

114. But operative paragraph 2 raises a question of principle which is of the utmost importance for my delegation. It states, in effect, that it:

"Recommends that the Security Council should take, as soon as possible, appropriate decision whereby the present declaration of the General Assembly will acquire binding force under Article 25 of the United Nations Charter."

115. The binding force of General Assembly resolutions does not need this sort of blessing from the Security Council. The Assembly's resolutions, when they are binding or when they are defining rights which are based on the fundamental principles of the Charter, are valid in them-

selves. They have the validity conferred on them by the very principles of the Charter. The Security Council itself acts only as a surrogate, even though it is the primary and most important organ, since it bears the primary responsibility for the maintenance of international peace and security and for taking enforcement measures.

116. The separate reference to Article 25 is the affirmation once again of the Soviet Union's intention to give the Security Council ever-increasing power, which would transform all the other Member States into something like interested onlookers in the human drama. My delegation has at all times maintained and continues to maintain that Article 25 can only be understood in close conjunction with Article 24. Article 24 states:

"1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security . . ."

It is the Members of the United Nations which constitute the General Assembly, and it is they who, as the Charter says, confer on—that is to say, give or grant—a power to the Security Council which is the power to exercise the primary responsibility—and "primary" does not mean "exclusive"—for the maintenance of international peace and security. Instead it means only that the Members of the United Nations, or in other words the Members which constitute the General Assembly, have conferred on the Security Council the initial responsibility, for that is what "primary responsibility" means, for the maintenance of peace. But in any case they are the authorities who confer a power, and the Security Council is the agent who exercises it. That is why Article 24 goes on to say: "and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf." To act on behalf of the Members or to act on behalf of the General Assembly means that the Security Council has received a mandate and therefore its status is that of an agent vis-à-vis the authority issuing the mandate. This becomes even clearer in paragraph 3 of Article 24, which requires the Security Council to submit annual or, when necessary, special reports to the General Assembly.

117. Accordingly, when Article 25 states that the "Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter", this means that those Members agree to accept and carry out what they themselves have granted.

118. We have seen cases in which the Security Council was unable to take measures in the case of serious conflicts, which were then referred back for consideration to the General Assembly. One of these was the conflict in the Middle East in 1967, which, after having been considered by the Security Council with no solution being reached, was brought by the Soviet Union before an emergency special session of the General Assembly for its consideration.

119. The present wording of the operative paragraphs of the draft resolution is totally unacceptable to my delegation. If it were possible to reach an understanding with other delegations and groups to define and clarify these

ideas, my delegation would derive tremendous satisfaction from supporting the very noble idea proposed by the Soviet Union, even though we cannot accept the actual wording in which it has put forward this idea. Therefore, if this draft resolution were put to a vote as now drafted my delegation could not vote against it, since it concerns such essential principles of the Charter as the prohibition of the threat or use of force and such noble aspirations as the prohibition of the use of nuclear weapons; neither could we vote in favour of this text, which, in my delegation's opinion, suffers from the shortcomings I have mentioned. If greater maturity could be achieved in calmer discussions by the various groups and delegations and if it were possible to arrive at a truly operative text, we would have taken a very important step forward towards international peace and security.

120. In the present circumstances my delegation cannot vote either for or against the text. It would not like to abstain, because abstention has already acquired a political meaning. Accordingly we prefer not to participate in the voting.

121. Mr. GARCIA ROBLES (Mexico) (*interpretation from Spanish*): My delegation would have had no difficulty whatsoever in voting in favour of a suitably worded draft resolution energetically reaffirming the prohibition of recourse to the use or threat of force as laid down in Article 2, paragraph 4, of the Charter and, also, in accordance with resolution 1653 (XVI), in favour of which we voted and which, *inter alia*, declared:

“The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations”,

and which also solemnly proclaimed that the use of nuclear weapons should be permanently prohibited.

122. Suffice it to recall by way of illustration of the reasons explaining what I have just affirmed that Mexico was one of the countries which contributed most energetically to the drafting of the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States, a Declaration in which the place of honour was given to the principle of the prohibition of the use or threat of force.

123. I wish also to recall the prominent role which, as is known, was played by my country in the initiative and in the arduous negotiations which resulted in the adoption of the Treaty of Tlatelolco,¹² under the terms of article 1 of which the contracting parties—and Mexico, it will be recalled, was the first country to become a party to the Treaty—committed themselves

“... to prohibit and prevent in their respective territories the testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way”.¹³

¹² Treaty for the Prohibition of Nuclear Weapons in Latin America, done at Mexico, Federal District, on 14 February 1967.

¹³ See United Nations, *Treaty Series*, vol. 634, p. 330.

124. It is precisely because of the fact that the Government of the nuclear Power whose delegation has submitted to the Assembly draft resolution A/L.676 is one of the States possessing nuclear weapons that have not as yet signed and ratified Additional Protocol II of the Treaty of Tlatelolco that we are led to think that it is missing an excellent opportunity to support with deeds the position which it upholds in the draft resolution for the permanent prohibition of the use of nuclear weapons.

125. It would indeed be a good beginning, even though a modest one, if the Government in question were to become a party to the aforementioned Protocol, since the main obligation entered into by the States that become parties to the Protocol is precisely, as stated in article 3 of Additional Protocol II, “not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty”,¹⁴ which, as I said earlier, have freely undertaken to live under a régime totally free of nuclear weapons.

126. We would not wish, nevertheless, to allow ourselves to be ruled by scepticism, which we might undoubtedly be led to by objective considerations such as those I have just advanced; nor shall we permit the serious doubts we entertain regarding the usefulness of adopting a new resolution of the kind proposed to us in the text I have been speaking about, to lead us to adopt a position of indiscriminate opposition. And yet, even though evincing the best goodwill and spirit of co-operation, we cannot fail to point out that the draft as it is at present worded would be unacceptable to us.

127. Accordingly, we believe that if an attempt is made to put this text to the vote without previously submitting it to a process of serious negotiation which could render it acceptable to all—which, as has been so well stressed by the representative of Ecuador, Ambassador Benites, would doubtless seem to be the best and most suitable procedure—we would absolutely have to introduce at least the following modifications.

128. First, the last paragraph of the preamble would have to be changed, since the renunciation of the use of force ought not to be converted, as here stated, into a law of international life, for it already is such a law by virtue of the provisions of the Charter, even though, as we all know, that law is often not honoured.

129. Secondly, a new paragraph would have to be added to the preamble, recalling the most relevant resolutions and declarations of the General Assembly on the subject, among them: resolution 2625 (XXV), entitled “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations”; resolution 2627 (XXV), entitled “Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations”; resolution 2734 (XXV), entitled, “Declaration on the Strengthening of International Security”; resolution 1653 (XVI), entitled “Declaration on the Prohibition of the Use of Nuclear and Thermonuclear Weapons”; resolution 2286 (XXII), entitled “Treaty for the Prohibition of Nuclear Weapons in Latin America”; and finally resolution

¹⁴ *Ibid.*, p. 364.

2666 (XXV), entitled "Status of the implementation of General Assembly resolution 2456 B (XXIII) concerning the signature and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)".

130. Thirdly, it is suggested that operative paragraph 1 should be divided into two parts, to read more or less as follows:

"1. Reaffirms with the greatest emphasis, on behalf of the States Members of the Organization, their renunciation, in accordance with the applicable provisions of the United Nations Charter, of the use or the threat of the use of force in international relations;

"2. Solemnly declares, likewise on behalf of the States Members of the United Nations, the absolute and permanent prohibition of the use or threat of the use of nuclear weapons."

131. The fourth suggestion is the following. An additional paragraph should be included relating to the only nuclear-free zone which covers a densely populated area, namely the area established under the Treaty for the Prohibition of Nuclear Weapons in Latin America. This paragraph might read as follows:

"3. Again urges nuclear States which have not yet done so, as a first step in the implementation of the above-mentioned principle, to sign and ratify without further delay Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)."

132. My fifth and last suggestion is this. Operative paragraph 2 of the present text should be completely revised since its present wording would seem to subordinate the validity of resolutions of the General Assembly to subsequent decisions by the Security Council. This is extremely dangerous and groundless from every standpoint. The moral, binding force of all the resolutions of the Assembly and the legal binding nature of several categories of General Assembly resolutions are universally recognized and, of course, they could not be subjected to the unanimity rule of the Security Council, under which the permanent members have the veto. We therefore believe that operative paragraph 2 should be amended to read as follows:

"4. Recommends that the Security Council take the present resolution into account as a guideline for all its activities in the maintenance of international peace and security."

133. It is not the intention of my delegation, for the time being, to request a vote on the suggestions we have made in this statement. However, if, contrary to what, as we have already said, we consider to be the normal procedure—namely serious negotiations leading to a text acceptable to all—if it were to be requested that the Assembly should vote on the draft resolution as now drafted in document A/L.676, we should be compelled, and we request the President to take note of this announcement, to submit formally to the Assembly the amendments I have just outlined.

134. Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) (*translation from Russian*): As it has continually been doing over the 50-odd years of its existence, the Soviet Union has again called the attention of States Members of the United Nations and world public opinion to a current problem of international life—the need to renounce the use of force in international relations and to ensure the permanent prohibition of the use of nuclear weapons—the solution of which would be of profound political and practical significance and of vital interest to all peoples.

135. The mobilization of United Nations efforts in this field, as pointed out by almost all the preceding speakers, is now an important and necessary task dictated by the course of events in the world arena.

136. The practical significance of the USSR proposal [A/L.676]—which is in conformity with the programme of peace adopted at the Twenty-Fourth Congress of the Communist Party of the Soviet Union and is aimed at strengthening the renunciation of the use or threat of force as a law of international life and bringing about the prohibition of nuclear weapons—lies in the fact that it is designed to free peoples from the threat of wars involving the use of any kind of weapons, including nuclear weapons. This proposal testifies to the consistent principles of the foreign policy of the Soviet Union.

137. The policy of the Soviet Union and the socialist countries of actively defending peace and strengthening international security—of warding off acts of aggression and international lawlessness—is yielding positive results. A *détente* and a further consolidation of the principles of peaceful coexistence in international relations have become a reality. That fact was noted with satisfaction by many delegations during the general debate at this session of the General Assembly.

138. Reality confirms once again that the important political, social, economic and other problems of international life can be settled successfully only if there is trust among States and if international tension is eased.

139. It is well known that greater tension hinders the solution of international problems. During the long years of the "cold war", no success was achieved in the United Nations in drawing up any concrete measures in favour of peace and international security or in the field of the limitation of the arms race and disarmament. Much time and effort were needed for the creation of conditions enabling agreements with regard to peace and international security to be concluded on a multilateral, regional and bilateral basis, for the settlement of many pressing international problems and for the adoption of concrete measures to limit the nuclear arms race.

140. The conclusion within the United Nations of agreements aimed at solving the disarmament problem and strengthening peace and international security has made possible an international *détente*, the preparation and adoption of new agreements and the activation of bilateral relations between States. In turn, the bilateral agreements—such as the treaties and agreements concluded by the Soviet Union and other socialist countries with many States

all over the world, as well as agreements between other peace-loving countries—contributed and continue to contribute to the easing of international tension and the creation of conditions for the solution of new international problems.

141. It is not enough, however, merely to take note of the fact of an international *détente*. Such a *détente* will not continue of its own accord, automatically; new efforts and new measures are needed to consolidate and develop the success already achieved. What is needed now is the adoption of measures which would assist in eliminating existing conflicts and creating conditions that would render impossible the outbreak of wars or armed clashes between States.

142. The Soviet proposal on the non-use of force in international relations and permanent prohibition of the use of nuclear weapons clearly points the way to a solution of this problem. As stated in the letter from Mr. A. Gromyko, Minister for Foreign Affairs of the USSR, addressed to the Secretary-General, "an effective means of attaining this goal is the consistent application by all States of the principle of the renunciation of the use of force by means of weapons of any type, including nuclear weapons, which are the most destructive weapons of mass destruction. In the nuclear age there is no course open to mankind but peaceful coexistence among States, which presupposes above all the renunciation of the use of force in international relations and the solution of controversial questions solely by peaceful means" [A/8793].

143. The Soviet proposal illustrates the deep sense of responsibility with which the Government of the USSR approaches the problems of strengthening peace in the nuclear age. Throughout its history of 50 years, the Soviet Union has been guided by the principle that controversial international problems must be settled not by force of arms or by war, but by peaceful means. At the same time, the Soviet Union combines a constructive approach to international problems with a firm rebuff to aggressive acts of imperialism and with assistance to peoples struggling for national liberation and social justice.

144. Realistically assessing the current world situation, acting in the interests of peace and international security and striving to eliminate war from the life of human society and to prevent a nuclear disaster, the Soviet Union proposes a settlement simultaneously of the questions of the renunciation of the use of force in international relations and the permanent prohibition of the use of nuclear weapons.

145. As is well known, the United Nations has been seeking a solution to the questions of the non-use of force and the prohibition of the use of nuclear weapons. However, the measures adopted by the United Nations in these fields have been insufficient, because both questions have been considered separately and separate decisions have been taken on them which have not acquired the force of international law. It would be incorrect at this time to continue to consider, and take decisions on, these matters separately. Indeed, to forbid the use of force and leave open the question of the use of nuclear weapons, or to forbid the use of nuclear weapons and leave unresolved the

question of the non-use of force, would be an unrealistic approach: it would not serve the cause of peace, which is the concern of the peoples of all States.

146. The value of the new Soviet proposal is that it views both questions as an organic whole and thus paves the only true way to a solution. Only by merging the renunciation of the use of force with the prohibition of the use of nuclear weapons can universal peace be effectively ensured.

147. It is well known that force can be used through resort to various kinds of weapons. The renunciation of the use of force must therefore embrace the prohibition of the use of both conventional and nuclear weapons.

148. The destruction wrought by the use of conventional weapons is well known to the peoples of the world. As revealed in the calculations of a Swiss scientist, all the wars waged on our planet—whether with the use of such primitive weapons as stones, spears and arrows, or with present so-called "conventional" weapons—have caused the death of more human beings than are living on the earth today. The "conventional" weapons of the Second World War killed tens of millions of people and destroyed tens of thousands of cities and towns. In the Byelorussian SSR alone, during the war the Fascist aggressors killed over 2.2 million people and destroyed over 200 towns and more than 9,000 villages, hundreds of which were literally swept from the face of the earth, together with their inhabitants.

149. Today it is sufficient to look at Indo-China, the Middle East or the Portuguese colonies in Africa to see the victims and destruction produced by the use of conventional weapons in the hands of imperialism and its henchmen.

150. No one can have the slightest doubt about the need to prohibit the use of nuclear weapons. All peoples of the world consider it essential to prohibit the use of nuclear weapons. If the use of such weapons is not forbidden, the danger that they may be used will not only continue to exist but will even increase as such weapons continue to be stockpiled and improved. We must not permit the sword of Damocles to hang over the world in the shape of a nuclear bomb. The peoples well know what nuclear weapons are: the power of modern nuclear weapons is such that their use would have catastrophic consequences for mankind.

151. The proposal under consideration provides for the permanent prohibition of nuclear weapons. This means the prohibition of the use of nuclear weapons by any side, whether it be the first, second, third, fourth or subsequent party. The Soviet proposal bars the way to the use of nuclear weapons by anyone and against anyone. By incorporating the prohibition of the use of nuclear weapons in international law, the United Nations would erect a strong barrier against the use of nuclear weapons and open the way to agreement on their liquidation.

152. Thus, in order to eliminate force from international relations, it is necessary to prohibit the use of all types of weapons. Such an approach places all States on an equal footing, giving no side unilateral military advantages. The simultaneous prohibition of the use of both conventional and nuclear weapons fully accords with the principle of

guaranteeing all States equal security. This will be a reliable guarantee of the security of small and medium-sized States which do not possess sufficient military power to protect their sovereignty and independence in the face of a threat or use of force by the imperialists, colonialists and neo-colonialists. The Byelorussian SSR considers that the maximum number of States, particularly the nuclear Powers, must participate in solving the question of the non-use of force and the permanent prohibition of the use of nuclear weapons.

153. In connexion with the statement made yesterday by the representative of the People's Republic of China [2083rd meeting], the delegation of the Byelorussian SSR feels obliged to stress that we, like the overwhelming majority of delegations, have assembled here for a business-like discussion and a decision on an important matter aimed at achieving the main purpose of the United Nations—"to save succeeding generations from the scourge of war" and "to maintain international peace and security". To that end we, like other delegations, are ready to uphold our point of view, to listen to and take into account reasonable proposals and arguments of other delegations and to seek a generally acceptable agreement. That is also the position of the overwhelming majority of States Members of the United Nations.

154. But there happens to be one speaker who does not find the easing of international tensions to his liking and who adopts a negative attitude on every important international problem, including the question of the non-use of force in international relations and the permanent prohibition of the use of nuclear weapons. That speaker could find no arguments against this proposal and hence it is not surprising that, in order to conceal his unpalatable position, he has resorted to the hackneyed device of slandering the Soviet Union and other socialist and peace-loving States. His aim is clear—to divert the attention of the General Assembly and States Members of the United Nations from the consideration and solution of major problems and to transform the Organization, in violation of the Charter, into an organ for confrontation and polemics. To that end, he even resorts to expressions which would be the envy of the masters in the art of vulgar abuse.

155. That same speaker is not disturbed by the fact that the Soviet proposal on the non-use of force and prohibition of the use of nuclear weapons enjoys the support of all the States of the socialist community and the majority of countries in Europe, Asia, Africa and Latin America. Furthermore, he has ignored his country's obligation under Article 2, paragraph 4, of the Charter, which states that "All Members shall refrain in their international relations from the threat or use of force . . .", and has forgotten that his country is a permanent member of the Security Council, on which the Members of the United Nations have conferred, under Article 24 of the Charter, "primary responsibility for the maintenance of international peace and security".

156. It is quite clear that the obligation of countries to renounce the use of force, including the use of nuclear weapons, in no way impairs their right of individual or collective self-defence, proclaimed in Article 51 of the United Nations Charter; nor does it infringe the inalienable

right of States and peoples subjected to aggression to rebuff that aggression or the rights of colonial peoples to wage their struggle for freedom and independence by any means, including the use of armed force, since the very fact that a people has been placed in colonial bondage in itself constitutes an act of aggression against that people. That situation is envisaged in the USSR draft resolution [A/L.676], which refers in paragraph 1 to the United Nations Charter. The aggressor and the victim of aggression, or the colonialists and the peoples struggling for freedom and independence, cannot be placed on the same footing. That is why we shall continue, as we have always done, to take a stand against aggression, on the side of the peoples who are the victims of aggression and on the side of the colonial and oppressed peoples. We consider that peoples who become the victims of aggression, who are subjected to colonial domination and who are upholding their freedom and independence have a lawful right to use any means in the struggle.

157. In the world arena, the Soviet Union and the other socialist countries take into account the lawful interests of peoples who are struggling to achieve or who have achieved their freedom, and assist them either in their struggle against aggression or on the diplomatic front.

158. Speaking on 27 June 1972, Mr. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, stated:

"The Soviet Union, together with the fraternal socialist countries, supports the struggle of the peoples of all continents against any form of colonial and neo-colonial oppression and for their sacred right to decide their own future. Taking an active part in the social battles of this age, we are striving to use our influence, our true weight, in the interests of the whole socialist system and of all the revolutionary forces of our time."

159. The principle of the non-use of force is one of the underlying principles of international law and one of the most important principles of the United Nations Charter.

160. That principle is reflected in a whole series of documents of the United Nations General Assembly, particularly in the Declaration on the Strengthening of International Security and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. The joint Declaration adopted by the non-aligned countries at Georgetown¹⁵ proclaims that States must refrain from the threat or use of force in their international relations. In the Declaration on Peace, Security and Co-operation in Europe adopted on 26 January 1972 at the conference of the Political Advisory Committee of the States Parties to the Warsaw Treaty, meeting at Prague, it is stated that "There should be no use or threat of force in relations between States in Europe."¹⁶ The same idea is stressed in the solemn Declaration of the

¹⁵ Declaration adopted by the Conference of Foreign Ministers of Non-Aligned Countries at Georgetown, Guyana, on 12 August 1972.

¹⁶ See *Official Records of the Security Council, Twenty-seventh Year, Supplement for January, February and March 1972*, document S/10537.

Assembly of Representatives of Public Opinion for European Security and Co-operation, published on 5 June 1972 in Brussels.

161. The principle of the non-use of force is increasingly reflected in the bilateral agreements concluded between States. The treaties and agreements concluded in recent years by the Soviet Union and other socialist countries with many States, both large and small, embody the principle of the non-use of force.

162. The conclusion of agreements providing for the renunciation of the use of force is a good and useful task which should be pursued further. However, the existence of over 140 States in the world would require the conclusion of thousands of bilateral treaties in order to render universal the principle of the non-use of any kind of force.

163. The Soviet proposal provides the opportunity to make this principle mandatory for all, simultaneously with the permanent prohibition of the use of nuclear weapons, through the adoption of decisions by the General Assembly and the Security Council.

164. The delegation of the Byelorussian SSR considers that, in resolving the question of the non-use of force in international relations and the permanent prohibition of the use of nuclear weapons, it is not sufficient to confine ourselves to recommendations or a declaration of intent, as was the case in the past when these questions were considered separately. The principle of the non-use of force and the prohibition of the use of nuclear weapons must now be raised to the level of an international law mandatory for all. The Soviet draft resolution proposes precisely that solution.

165. The delegation of the Byelorussian SSR supports the proposal that the General Assembly should solemnly declare, on behalf of the States Members of the Organization, in accordance with the United Nations Charter, their renunciation of the use or threat of force in international

relations and the permanent prohibition of the use of nuclear weapons; and that it should also recommend that the Security Council should take, as soon as possible, an appropriate decision whereby that declaration of the General Assembly will acquire binding force under Article 25 of the United Nations Charter.

166. The Byelorussian SSR supports the proposal that a meeting of the Security Council should be convened at the level of members of Governments or of specially appointed representatives.

167. The delegation of the Byelorussian SSR notes that the adoption of the Soviet draft resolution would help to ensure the triumph of the principle of the peaceful coexistence of States with different social systems and would be of benefit to all peoples, hindering only those who harbour aggressive intentions. Its adoption would assist in strengthening international security and mutual trust, create more favourable conditions for ending the arms race and achieving disarmament, and enhance the prestige of the United Nations. In the general debate at this session of the General Assembly, many delegations spoke of the need to enhance the effectiveness of the United Nations. The USSR proposal would provide the opportunity to achieve that very aim. We hope that countries favouring peace and security for peoples and an increase in the effectiveness of the United Nations will remain steadfast to the end and, together with us, will support the Soviet draft resolution whereby the General Assembly would solemnly declare, on behalf of the States Members of the Organization, in accordance with the United Nations Charter, their renunciation of the use or threat of force in international relations and the permanent prohibition of the use of nuclear weapons, and would recommend that the Security Council should take, as soon as possible, an appropriate decision whereby that solemn declaration would acquire binding force under Article 25 of the United Nations Charter.

The meeting rose at 1.10 p.m.