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CONTENTS

| | Page |
|---|------|
| Agenda item 71: Financial reports and accounts for the year 1971 and reports of the Board of Auditors: | |
| (a) United Nations; | |
| (b) United Nations Development Programme; | |
| (c) United Nations Children's Fund; | |
| (d) United Nations Relief and Works Agency for Palestine Refugees in the Near East; | |
| (e) United Nations Institute for Training and Research; | |
| (f) Voluntary funds administered by the United Nations High Commissioner for Refugees | |
| Report of the Fifth Committee | 1 |
| Agenda item 93: Amendment to rule 160 of the rules of procedure of the General Assembly | |
| Report of the Fifth Committee | 1 |
| Agenda item 8: Adoption of the agenda (concluded) | 2 |
| Agenda items 28 and 29: International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space | |
| Preparation of an international treaty concerning the Moon: report of the Committee on the Peaceful Uses of Outer Space | |
| Report of the First Committee | 2 |
| Agenda item 37: Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting | |
| Report of the First Committee | 2 |
| Agenda item 25: Non-use of force in international relations and permanent prohibition of the use of nuclear weapons (continued) .. | 9 |

President: Mr. Stanisław TREPCZYŃSKI (Poland).

AGENDA ITEM 71

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| Financial reports and accounts for the year 1971 and reports of the Board of Auditors: | |
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| (c) United Nations Children's Fund; | |
| (d) United Nations Relief and Works Agency for Palestine Refugees in the Near East; | |
| (e) United Nations Institute for Training and Research; | |
| (f) Voluntary funds administered by the United Nations High Commissioner for Refugees | |

REPORT OF THE FIFTH COMMITTEE (A/8873)

AGENDA ITEM 93

Amendment to rule 160 of the rules of procedure of the General Assembly

REPORT OF THE FIFTH COMMITTEE (A/8861)

1. The PRESIDENT (*interpretation from French*): I invite the Rapporteur of the Fifth Committee to present in a single statement the reports of the Fifth Committee that are before the Assembly on agenda items 71 and 93.

2. Mr. PASHKEVICH (Byelorussian Soviet Socialist Republic), Rapporteur of the Fifth Committee (*translation from Russian*): On behalf of the Fifth Committee, I have the honour to present the reports on two agenda items examined by the Committee.

3. The report relating to agenda item 71 is contained in document A/8873. In paragraph 11 of this document, the Fifth Committee recommends to the General Assembly the adoption of six draft resolutions under the corresponding headings, which were adopted without objection in the Committee.

4. The report relating to agenda item 93 is contained in document A/8861. In paragraph 5 of this document, the Fifth Committee recommends to the General Assembly the adoption of a draft resolution which was adopted without objection in the Committee, and which refers *inter alia* to General Assembly resolution 2758 (XXVI) on the restoration of the lawful rights of the People's Republic of China in the United Nations and recommends an increase in the membership of the Committee on Contributions from 12 to 13, with effect from 1 January 1973.

5. I hope that the draft resolutions which have been submitted will be approved by the General Assembly.

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

6. The PRESIDENT (*interpretation from French*): The Assembly will consider first the report of the Fifth Committee on agenda item 71 concerning the financial reports and accounts for the year 1971 and reports of the Board of Auditors [A/8873]. Since no one wishes to explain his vote, we shall now take a decision on the six draft resolutions recommended for adoption by the Fifth Committee in paragraph 11 of its report. May I take it that the Assembly wishes to adopt draft resolutions A, B, C, D, E and F?

Draft resolutions A, B, C, D, E and F were adopted (resolutions 2912 A to F (XXVII)).

7. The PRESIDENT (*interpretation from French*): We shall now take up the report of the Fifth Committee on agenda item 93 [A/8861]. We shall now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 5 of that report. May I take it that the General Assembly decides to adopt that draft resolution without objection?

The draft resolution was adopted (resolution 2913 (XXVII)).

AGENDA ITEM 8

Adoption of the agenda (*concluded*)*

8. The PRESIDENT (*interpretation from French*): With regard to item 76, the Assembly is informed by a note by the Secretary-General in document A/8876 that a member of the United Nations Staff Pension Committee has tendered his resignation. Therefore, it will be necessary for the Assembly to appoint someone in his place. Accordingly, a subitem (*f*) reading "United Nations Staff Pension Committee", should be added to agenda item 76 and referred to the Fifth Committee. If there is no objection it will be so decided.

It was so decided.

AGENDA ITEMS 28 AND 29

International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space

Preparation of an international treaty concerning the Moon: report of the Committee on the Peaceful Uses of Outer Space

REPORT OF THE FIRST COMMITTEE (A/8863)

AGENDA ITEM 37

Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting

REPORT OF THE FIRST COMMITTEE (A/8864)

9. The PRESIDENT (*interpretation from French*): I invite the Rapporteur of the First Committee, Mr. Santiso-Gálvez of Guatemala, to present in a single statement the two reports of the First Committee now before the Assembly.

10. Mr. SANTISO-GALVEZ (Guatemala), Rapporteur of the First Committee (*interpretation from Spanish*): On behalf of the First Committee I have the honour to present to the General Assembly the report on agenda items 28 and 29, which are dealt with together in document A/8863, and the report on agenda item 37 contained in document A/8864.

11. As we know, the first two items were included by the Secretary-General in the provisional agenda of the twenty-

* Resumed from the 2070th meeting.

seventh session of the General Assembly on the basis of General Assembly resolutions 2776 (XXVI) and 2779 (XXVI). Agenda item 37 was included by the Secretary-General in the draft agenda of the current session of the General Assembly on the basis of a request by the Minister of Foreign Affairs of the Union of Soviet Socialist Republics [A/8771].

12. The First Committee considered the three items together in 11 meetings, from its 1861st to its 1871st meetings, and had before it four draft resolutions. The Committee adopted unanimously the two draft resolutions which appear in paragraph 12 of document A/8863; the two other draft resolutions which were adopted appear in paragraph 23 of document A/8864.

13. Special reference should be made to draft resolution II, contained in paragraph 12 of document A/8863, which deals with the general work of the Committee on the Peaceful Uses of Outer Space. In the text of that draft resolution note is taken of the valuable work done by the Committee and its subsidiary organs during the past year, particularly as it relates to the continuation of the programme on the practical application of space technology and the elaboration of a legal régime governing the activities of States in the exploration of outer space. Regarding the latter it was noted that the Committee had made significant progress in approving a substantial part of two draft treaties, one relating to the moon and the other to the registration of objects launched into outer space. This draft resolution also calls upon the Committee to continue its work in all the areas set out in the draft resolution and in previous resolutions of the General Assembly, and to report to the Assembly at its next session. The draft resolution received wide support in the First Committee and was adopted unanimously, as was draft resolution I, which appears in the same paragraph and which is entitled "International action for the mitigation of the harmful effects of storms".

14. I have the honour to submit on behalf of the First Committee these four draft resolutions to the General Assembly, for adoption if it so wishes.

15. The PRESIDENT (*interpretation from French*): We shall first consider the report of the First Committee on agenda items 28 and 29 [A/8863].

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

16. The PRESIDENT (*interpretation from French*): The First Committee recommends for adoption by the General Assembly the two draft resolutions appearing in paragraph 12 of its report. Draft resolution I is entitled "International action for the mitigation of the harmful effects of storms". Since the First Committee adopted this draft resolution unanimously, may I take it that the General Assembly also wishes to adopt it unanimously?

Draft resolution I was adopted (resolution 2914 (XXVII)).

17. The PRESIDENT (*interpretation from French*): We turn now to draft resolution II, entitled "International

co-operation in the peaceful uses of outer space". The administrative and financial implications of this draft resolution are set forth in paragraph 6 of document A/8869. Since the First Committee adopted draft resolution II unanimously, may I take it that the Assembly also wishes to adopt it unanimously?

Draft resolution II was adopted (resolution 2915 (XXVII)).

18. The PRESIDENT (*interpretation from French*): We turn now to the report of the First Committee on agenda item 37 [A/8864].

19. I call on the representative of Italy, who wishes to introduce the amendments contained in document A/L.682.

20. Mr. MIGLIUOLO (Italy): From the report contained in document A/8864, members have no doubt noticed that the First Committee's decision to recommend draft resolution I to the Assembly on item 37 was reached through a series of split decisions on different drafts proposed by various delegations. In actual fact, the matter brought to the attention of the First Committee was a complex one on which many countries held firm views and positions that could not be reduced to a common denominator in the short time available for the debate.

21. After the vote in the First Committee, therefore, some delegations felt it expedient to explore the possibility of broadening the basis of support for the text of the draft resolution adopted by the First Committee on 20 October. In doing so, they did not aim at introducing changes in the substance of draft resolution I, as that draft resolution had received the support of a strong majority. Those delegations, however, felt that some amendments, mainly of a procedural nature, might improve the text.

22. In the course of informal consultations held under the able guidance of the Chairman of the Committee on the Peaceful Uses of Outer Space, Ambassador Jankowitsch, those delegations agreed to propose to members of the General Assembly the addition of the two paragraphs contained in document A/L.682, which I have the honour to introduce on behalf of the delegations of Belgium, Iraq, Mongolia, the Netherlands and Poland and of my own delegation.

23. The first amendment consists of a preambular paragraph in which it is recalled that this important matter was again brought to the attention of the General Assembly—after the discussions which had taken place in the Outer Space Committee's Working Group on Direct Broadcast Satellites—on the initiative of the delegation of the Union of Soviet Socialist Republics, which proposed the full text of an *ad hoc* convention [see A/8771].

24. The second amendment relates to the operative part of the draft resolution and, by transmitting to the outer space Committee the documentation relating to the discussions held during this session, aims at strengthening the idea that members are ready to resume an earnest and thorough discussion of all the aspects of this complex subject within that Committee and, it is hoped, to reach agreement.

25. In connexion with the second amendment, may I draw the attention of members to the fact that the wording of the additional operative paragraph has been slightly changed in keeping with the formulation usually used in United Nations resolutions? A revised text will be distributed shortly.¹ In the new text, instead of saying "Recommends that all documentation relating to the discussion . . .", the new paragraph will read: "Requests the Secretary-General to transmit . . . all documentation". I repeat that this is in keeping with the usual formulation used in the United Nations.

26. As I pointed out earlier, the two amendments do not change the substance of draft resolution I recommended by the First Committee, nor do they accommodate the diverging views expressed by a number of delegations during the debate. But the amendments are the expression of a sincere desire to reaffirm the spirit of co-operation which generally obtains in the United Nations when matters related to outer space exploration are dealt with. The sponsors therefore agreed to propose these amendments in the sincere hope that they, as well as the amended draft resolution, could be approved by this Assembly without objection.

27. The PRESIDENT (*interpretation from French*): The Assembly will now take a decision on the draft resolution which the First Committee has recommended for adoption in paragraph 23 of its report [A/8864]. The draft resolution is entitled "Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting". Amendments to this draft resolution have been published in document A/L.682/Rev.1.

28. In accordance with rule 92 of the rules of procedure, first of all I shall put to the vote the amendments, one after the other, and then the draft resolution as a whole, whether amended or not.

29. The first amendment in document A/L.682/Rev.1 is to insert a new paragraph after the sixth preambular paragraph.

The first amendment was adopted by 91 votes to none, with 7 abstentions.

30. The PRESIDENT (*interpretation from French*): The second amendment is to add an operative paragraph 3.

The second amendment was adopted by 95 votes to none, with 6 abstentions.

31. The PRESIDENT (*interpretation from French*): Before putting draft resolution I as a whole to the vote, I shall call on those representatives who wish to explain their vote.

32. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): The General Assembly is today completing its consideration of a series of questions related to international co-operation in the peaceful uses of outer space. The Soviet delegation notes with great satisfaction that attention in the First Committee was largely

¹ Subsequently circulated as document A/L.682/Rev.1.

concentrated on the question, raised at the initiative of the Soviet Union, of the preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting [A/8771].

33. The Soviet delegation is also glad that the initiative of the Soviet Union attracted the attention of a very wide circle of delegations. Moreover, as the debate in the First Committee has shown, the idea of the regulation of direct television broadcasting by international law was supported by a considerable number of delegations. Thus, we can affirm today that the majority of the Members of the United Nations recognize the actuality of the question of the preparation of an international agreement on direct television broadcasting, as well as the importance of developing the rule of law in this new sphere of human activity.

34. We particularly welcome the fact that the preamble to draft resolution I adopted in the First Committee [A/8864, para. 23] embodies the principle that the use of outer space, *inter alia*, for direct television broadcasting, must be for peaceful purposes, for the benefit of all States and for the development of friendly relations among them.

35. The preamble also stresses that direct television broadcasting from outer space should serve only the lofty goals of peace and friendship among peoples. It further notes that the benefits of space exploration can be extended to States at all stages of economic and scientific development.

36. The provision in the ninth paragraph of the preamble that the "free flow of communications" should be ensured on a basis of strict respect for the sovereign rights of States also has considerable significance for the future work of the Committee on the Peaceful Uses of Outer Space.

37. The draft resolution adopted by the First Committee calls upon States not to allow the conversion of direct television broadcasting into a source of international conflict and of aggravation of the relations among States, and stresses the need to protect the sovereignty of States from any external interference through the further elaboration of rules concerning outer space on the basis of the Charter of the United Nations. These are all very constructive provisions.

38. Thus, it is clearly and distinctly stated in the draft resolution submitted to the General Assembly for approval that the activity of States in the sphere of direct television broadcasting must be based on the principles of mutual respect for the sovereignty of States, non-interference in their internal affairs and equality and co-operation between them. We hope that strict observance of these principles will lead to the preparation of an international convention supported by all States and to a considerable expansion of the volume of useful information disseminated by the space communication methods of the near future.

39. The fact that today we are already seriously preparing to face this near future on the basis of regulation by international law emphasizes as a whole the mature approach of the United Nations to the initiative taken by the Soviet Union.

40. At the same time the Soviet delegation would like to draw attention to the fact that the draft resolution submitted in the First Committee by the Soviet delegation together with the delegations of other countries [A/8864, para. 6] stated the problem of the tasks of the United Nations with regard to the preparation of rules of international law and international régime in the area of direct television broadcasting from outer space more clearly and more purposefully. In our opinion, the amendments adopted in the First Committee somewhat weakened the operative part of the draft resolution submitted by the USSR delegation and certain other delegations. Nevertheless, we consider that the basic idea—the need to prepare a régime of international law for direct television broadcasting from outer space—has been reflected in the draft resolution adopted by the First Committee.

41. Our attitude towards this draft resolution on direct television broadcasting is also conditioned by the fact that the operative part acknowledges that the United Nations should begin as soon as possible to elaborate the principles which would serve as a basis for an agreement or agreements on the need for rules of international law concerning direct television broadcasting.

42. The Soviet delegation takes a favourable view of the initiative of a number of States which submitted to the Assembly the amendments which have just been adopted by an overwhelming majority and which make the text of the draft resolution adopted by the First Committee more purposeful and objective. We note with satisfaction the inclusion in the preamble part of the draft resolution of a reference to the draft convention on principles governing the use by States of artificial earth satellites for direct television broadcasting, submitted by the Union of Soviet Socialist Republics. Another positive move was the restoration of the third operative paragraph of the draft resolution proposed earlier by the USSR delegation together with the delegations of other countries.

43. In our opinion, the amendments that have been introduced reflect the spirit of realism and co-operation which will, we hope, enable the Committee on the Peaceful Uses of Outer Space in future to solve the complex problems relating to the development of international space law.

44. That is why the Soviet delegation found it possible to vote for the amendments to the draft resolution adopted in the First Committee. In view of the adoption of these amendments and of what I have just said, the Soviet delegation intends to vote for the draft resolution as a whole, as amended.

45. Mr. TYSON (United States of America): The United States will vote against draft resolution I as submitted by the First Committee on agenda item 37 [A/8864, para. 23]. I would like to state, if briefly, the reasons that impel the United States to cast a negative vote.

46. First, the draft resolution does not sufficiently take note of the positive potential of what we can foresee as the new technology involved in the use of earth satellites for direct television broadcasting. The General Assembly as recently as at the twenty-fifth session in 1970 wisely drew

attention to the fact in resolution 2733 A (XXV) in which it noted:

"... that the potential benefits of satellite broadcasting have particular significance with regard to better understanding among peoples, the expansion of the flow of information and the wider dissemination of knowledge in the world, and the promotion of cultural exchanges ...".

Nor does the proposed draft resolution state the importance of the United Nations seeking to maximize the use of this new technology for further understanding among peoples. On the contrary, the thrust of the text concerns what are termed "international conflict", "aggravation of the relations among States" and protection of the "sovereignty of States from any external interference".

47. Secondly, draft resolution I does not put sufficient emphasis on the central importance of the free flow of information and ideas in the modern world. As Ambassador Bush stressed in his statement in the First Committee on 12 October,² the United States remains profoundly attached to our 200-year old belief in the unimpeded exchange of information and ideas as, indeed, are all those countries around the world which have so long supported this fundamental principle enshrined in the Universal Declaration of Human Rights. Yet the proposed draft resolution does not mention the Universal Declaration.

48. Thirdly, the United States recognizes that the new technology of direct broadcast satellites will create challenges for international co-operation in ensuring that in actual practice the sovereignty of States and the unimpeded flow of information and ideas should complement rather than conflict with one another. We have made clear that the United States is prepared now to take part in an appropriate international study of the issues involved in the United Nations Committee on the Peaceful Uses of Outer Space. But we are not prepared to agree now—in advance of substantive work—that the results of this study should take a particular form. Specifically, we are not ready at this juncture to agree that the goal of the study ought to be either principles or a treaty.

49. We take good note of the fact that the legislative history of draft resolution I makes it clear that the proponents of the critical amendments incorporated in the text do not consider that the draft resolution requires the outer space Committee to develop a treaty. I note especially the statement made by the initial spokesman of the group of seven States, Mr. Van Ussel of Belgium, in the First Committee on 20 October:

"With respect to the second amendment dealing with operative paragraphs, I should merely like to explain that the concern of the sponsors was not to prejudge at this juncture the legal form that a set of principles governing the use by States of earth satellites for direct television broadcasting should take. I think it is logical that we must first of all work out principles and then, in terms of those principles, take a decision on the international instrument that we should prepare. ... But in my opinion it is still

² See *Official Records of the General Assembly, Twenty-seventh Session, First Committee, 1861st meeting.*

much too early to take a decision on the need to conclude a single convention."³

Parallel statements were made on the same day by the representatives of Canada and Japan at the Committee's 1871st meeting and by the representative of the United Kingdom at its 1870th meeting and are reflected in the Committee's records. Nevertheless, since we are not at this time prepared to commit ourselves to a particular formal outcome, be it treaty or principles, the United States is obliged to vote against draft resolution I.

50. The Assembly also has before it draft resolution II, advanced in the First Committee by Saudi Arabia, the preamble of which recalls some very useful work done by the General Assembly in 1968 on the principle of freedom of information. In particular, that text recalls General Assembly resolution 2448 (XXIII) which "affirms the principle that the primary function of media of information anywhere in the world is to gather and impart freely and responsibly objective and accurate information". However, since the operative paragraph assumes the "elaboration of international instruments or United Nations arrangements", we will abstain in the vote on this draft resolution.

51. Finally, I want to say a word on the resolution on international action for the mitigation of the harmful effects of storms, submitted by the First Committee in document A/8863, and just adopted by the General Assembly. We would like to note, in connexion with paragraph 5 of this resolution that man's knowledge of the nature of these dangerous and unpredictable storms is still very limited. Accordingly, we think that much research at locations removed from populated areas needs to be continued, and, indeed, furthered, before our technology reaches a point where operational activities in the moderation of severe tropical storms become safe and practical.

52. Mr. MARTINEZ-SIMAHAN (Colombia) (*interpretation from Spanish*): My delegation considers it appropriate to amplify what it said in the general debate in the First Committee on item 37. We said then, at the Committee's 1870th meeting, and we repeat now, that the technological advances in mass communications have always received special attention in my country. On the subject of school lectures broadcast by radio, to mention one case, Colombia, together with Radio Sutatenza, performed a successful experiment in literacy campaigns which has been an example to our sister republics in Latin America. This entry of Colombia to the use of modern means of communication has prompted us to attach great importance to satellite broadcasting. We are enthusiastic over the great prospects opened for education, and for the exchange of scientific and technological and cultural information. Our people will even have a greater opportunity to enjoy recreation, which is today a new right acquired by contemporary man.

53. For countries like ours, where 56.5 per cent of the population is less than 20 years old—that is, theoretically they are school or college age—the use of satellite broadcasts for teaching purposes would accelerate the process of educating our people.

³ *Ibid.*, 1870th meeting.

54. We also know that the same picture can be hooked up to a channel carrying different voices, thereby providing a method to expand education. We can imagine no field more worthy for the use of outer space for peaceful purposes, for the transmission of space technology to developing countries and, briefly, for international co-operation as a whole. We therefore welcome the statement appearing in the World Plan of Action for the Application of Science and Technology to Development that "in the utilization of communication satellites to transmit educational programmes to relatively simple and inexpensive receivers, there is little doubt that the technical feasibility of doing so exists at present."⁴ However, this technological advance has grave political implications, and this document therefore quite rightly states that "what has not yet been developed and proven is that individual nations, or even regions, can organize an education programme which would be suited to the demands of such a system, and which would meet the needs of the nations involved."⁵

55. Here arises, quite clearly, the ambivalence of this powerful instrument which we mentioned in the First Committee. It may indeed be useful, but it may also become something which disturbs international relations if it is not carefully regulated. For the concept of the sovereignty of the State could be in conflict with the unrestricted use of this space system. Furthermore, the principle of the free flow of information might be in conflict with the right possessed by every Government to protect and preserve the cultural ethos of its people.

56. With a great understanding of the problem and focusing their attention on the future, the Ministers for Education of the Andean Region—those of Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela—who met in Bogotá from 27 to 31 January 1970, adopted resolution 3, which, despite its length, I should like to read out, for it presents at one and the same time proof of the concern of our Governments and a bold and far-sighted solution. It reads as follows:

"The first meeting of Ministers for Education of the Andean Region,

"Considering:

"1. That advances in technology will make it possible in the near future to transmit television signals direct from satellites to receivers;

"2. That instruction via satellites, by multiplying educational resources, can contribute to improvement in the qualitative and quantitative yield of educational systems in our countries;

"3. That possibilities for the use of outer space for the cultural and educational development of peoples are limited by the fact that only a small number of countries possess the requisite technology;

"4. That in order to reap the benefits of educational television via satellite, it is necessary to have international

⁴ United Nations publication, Sales No. E.71.II.A.18, p. 277.

⁵ *Ibid.*

co-operation among the countries in possession of space technology and those which lack it;

"5. That such co-operation should be carried on in such a way that countries that do not possess space technology are not reduced to the status of being mere receivers and passive users of satellite broadcasting, but rather participate in the decision-making on an equal footing, in the orientation, production, administration and control of educational broadcasts;

"6. That unilateral management of broadcasts via satellite, whether practised by one State or by non-governmental bodies, might easily lend itself to abuses disturbing to the customs, scales of values and the cultures of the receiving countries, thus entailing intervention in affairs exclusively within the competence of States;

"7. That programmes are under study by private organizations and entities outside Latin America to broadcast educational television programmes via satellite to our countries, programmes that would be broadcast from non-Latin American territories and without the participation and supervision of the competent authorities of our States;

"8. That there exist rules of positive international law applicable to direct transmissions from satellites, such as the United Nations Charter; the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies; the pertinent articles of the Convention of the International Telecommunication Union and its rules governing radio communications; and the principles enshrined in the resolutions of the United Nations General Assembly relating to the use of outer space for peaceful purposes;

"9. That the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, in its article 3, provides that outer space should be used to further the maintenance of international peace and security and to promote co-operation among nations;

"10. That the same Treaty, in article 6, establishes that States shall be internationally responsible for their national activities in outer space not only when those activities are undertaken by the States themselves, but also when they are carried on by international organizations or non-governmental bodies;

"...

"12. That the countries of the Andean area should undertake joint action in international bodies and pursue a common policy in meetings and conferences of such bodies,

"Resolves that:

"1. All countries have the right to determine, on a basis of sovereignty, liberty and equality, the content of educational programmes reaching their respective peoples

via satellites, together with the orientation, production and control thereof.

"2. There should be respect for the principle of non-intervention in matters which, like education, fall within the internal jurisdiction of each State; so that freedom in the use of space for purposes of satellite broadcasting is a qualified freedom, that is to say it is limited by the rights of other countries.

"3. Satellite broadcasting from one State to another, even when carried on by non-governmental bodies, should take place only with the prior and explicit consent of the Governments of the receiving countries.

"4. It is highly desirable that the signatory countries establish educational television broadcasting by means of satellites on a basis of genuine equality of rights both to benefits from the system and in its management, administration and control.

"5. The signatory countries will pursue a joint policy vis-à-vis other Governments and international organizations for the purpose of achieving implementation of the principles laid down in this Declaration.

"6. The signatories of this Declaration agree to submit to the United Nations Development Programme a request that UNESCO, in close collaboration with the International Telecommunication Union and in consultation with other interested bodies of the United Nations system, with the relevant regional organizations, and with international non-governmental organizations and competent national bodies, carry out a feasibility study for a satellite communication system for educational, cultural and development purposes in Latin America, and make the necessary arrangements for its financing with the aid of international and national organizations.

"7. The signatories propose that the Governments and private groups interested in direct broadcasting of television programmes to Latin America undertake their initiatives through the Inter-American Cultural Council of the Organization of American States, within the spirit of continental co-operation that should inspire the organization of all projects requiring the joint effort of various nations."

57. Colombia submitted the working document which later became the resolution I have just read out, and its preambular paragraphs are not just a product of the imagination of our Government leaders. They are based on genuinely serious facts which I am going to set forth to this Assembly, facts that were stated by a Colombian representative before a convention in Europe:

"In April 1969 there took place in the city of Santiago, Chile, a meeting devoted to analysing various aspects involved in a certain initiative on the part of some North American groups that were proposing the use of satellites for educational purposes in Latin America. That meeting was attended by representatives of several Latin American universities and of various universities, foundations and commercial enterprises of the United States, such as COMSAT and General Electric.

"As a result of the Santiago meeting there was created an organ called the Audio-Visual International Satellite Centre (CAVISAT), whose function will be to study the feasibility of and promote the actual project and also to work out educational programmes at all levels, from literacy right up to professional university education, designed for children and adults of Latin American countries.

"Preparation of educational programmes was initially given to 14 universities in the United States. However, at the Santiago meeting it was agreed that they should be worked out by 20 universities, 10 in the United States and 10 in Latin America, most of which have close ties with foundations in the United States.

"After the Santiago meeting, CAVISAT, which was financed by COMSAT and various commercial businesses in the United States, attempted to interest certain Latin American Governments in its work. That failed because of the serious shortcomings the Latin American Governments found in a proposal that endangered their right to self-determination in cultural and educational areas. The Latin American rejection became even more logical when the directors of CAVISAT, without concealing the intrusive nature of the plan, bluntly demonstrated their intention to proceed in carrying out the programme whether the Latin Americans agreed or not. That assertion was based on the following three premises: the supposed freedom to use outer space; the no-longer-distant possibility that satellites would broadcast directly to television receivers without having to use the earth stations which now distribute signals; and the possibility of recognizing courses of study and awarding North American academic degrees to students in Latin America."

58. Such attitudes, were they to persist, might become black clouds in international relations. Hence my delegation does not agree with various other delegations that have stated it is premature to have binding international norms in this area. The data we possess indicate the contrary. We have already presented the statement of the experts of the United Nations that this technical possibility now exists. Rightly or wrongly, the time has come for us to begin to study the preparation of a juridical instrument enabling countries not possessing space technology to protect themselves.

59. We all know the slow—sometimes desperately slow—rhythm of work on certain items in the United Nations. Sometimes it seems that we are watching a religious procession in which the devout carry the venerated saint on their shoulders, and, so the worshippers can contemplate it, carefully move two paces forward and one back. On the shoulders of this Assembly is borne the responsibility for international co-operation, peace and aid to the developing countries. That is why we do not want to delay studying this subject. We support a world convention or regional treaties or any other juridical regulation which could be incorporated in the *corpus juris specialis* to defend our countries. Otherwise, in a very short time we may witness a kind of ideological occupation of the world by the super-Powers. We may witness the spectacle of humanity being mentally conditioned by advertising or "official

truths". We can imagine the intensity with which the praise of American, Soviet or Chinese paradises would be beamed to receivers belonging to the inhabitants of the earth. That would be quite undesirable for the countries of the third world—we who seek political, economic and cultural independence.

60. That is why we shall vote in favour of draft resolution I in document A/8864. That draft adequately deals with the fundamental principles mentioned in this statement in its preambular part. We think the text duly refers to the sovereignty of States and the flow of free information and international co-operation for the peaceful uses of outer space.

61. The PRESIDENT (*interpretation from French*): I shall now put to the vote draft resolution I in paragraph 23 of document A/8864, as a whole, as modified by the adoption of two amendments. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chad, Chile, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Egypt, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, South Africa, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Central African Republic, Fiji, Gabon, Israel, Lesotho, Nicaragua, Tunisia.

Draft resolution I, as amended, was adopted by 102 votes to 1, with 7 abstentions (resolution 2916 (XXVII)).

62. The PRESIDENT (*interpretation from French*): We now turn to draft resolution II entitled "Preparation of international instruments or United Nations arrangements on principles governing the use by States of artificial earth satellites for direct television broadcasting".

Draft resolution II was adopted by 65 votes to 9, with 32 abstentions (resolution 2917 (XXVII)).

63. The PRESIDENT (*interpretation from French*): I call upon the representative of Belgium, who wishes to explain his vote.

64. Mr. VAN USSEL (Belgium) (*interpretation from French*): My delegation was able to support draft resolution I, submitted by the First Committee, concerning the preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting because the operative part of the resolution clearly states that the Committee on the Peaceful Uses of Outer Space should as soon as possible undertake the elaboration of the principles governing the question of direct television broadcasting by satellites. It is only then—and I emphasize the word "then"—that the Committee should decide upon the appropriateness of recommending to the General Assembly the conclusion of one or more international agreements. In other words, the resolution we have just endorsed in no way prejudices the future action of the Committee or of the General Assembly, which will be free to decide in the light of the conclusions members will have reached, if there is any need to elaborate an international instrument.

65. With respect to the preamble of the draft resolution we have just adopted, my delegation maintains the reservations it has already expressed in the First Committee, and we remain convinced that that part of the resolution would have been better balanced and more complete if it had contained the statement that the activities of States in respect of direct television broadcasting should be based not only on the principles of mutual respect for sovereignty, non-intervention in the domestic affairs of a State, equality, co-operation and mutual advantage, but also on a fundamental principle to which my country remains firmly attached—namely, the principle of freedom of information.

66. Moreover, my delegation would have liked to have an additional paragraph included in the preambular part of the resolution in which the General Assembly would emphasize the importance of the advantages that this new technology could bring to all mankind.

67. My delegation has not pressed for the addition of these two concepts because we are motivated by a concern to facilitate, if not a consensus on the draft in the Assembly, at least the widest possible support for the operative part of the text.

68. Moreover, the addition of a new operative paragraph³ providing that all the documentation concerning the discussion at the twenty-seventh session of the General Assembly of the item entitled "Preparation of an international Convention on principles governing the use by States of artificial earth satellites for direct television broadcasting" would be forwarded to the Committee on the Peaceful Uses of Outer Space, will enable that Committee to pursue its work, bearing in mind draft resolution II, which was introduced in the First Committee by the Permanent Representative of Saudi Arabia. In it the General Assembly takes note of the fact that the work done in respect of the draft convention on freedom of information and the Assembly's deliberations on that point may prove useful in the discussion and elaboration of international instruments or arrangements concerning direct television broadcasts.

AGENDA ITEM 25

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

69. The PRESIDENT (*interpretation from French*): Before giving the floor to the next speaker on my list, I should like to propose that the list of speakers be closed tomorrow, Friday, 10 November at 6 p.m. If there are no objections, I shall take it that the Assembly endorses this proposal.

It was so decided.

70. Mr. JOUEJATI (Syrian Arab Republic) (*interpretation from French*): Non-use of force in international relations has always been an aspiration of great men of goodwill who dreamed of a community of nations bound by ties of brotherhood, concern for the welfare of man, and the preservation of the heritage of its civilization.

71. In the days of relaxation of tension, as well as in times of tension, these principles have been evoked, in the first case in order to strengthen the increasing possibilities for mutual understanding, and in the latter, to allay the terrible sufferings of mankind. They were viewed as an ideal, but also as a remedy. But the hopes it inspired were often doomed to disappointment. Instincts of tyranny and racism, ambitions of an expansionist nature at the expense of others, and pretensions of hegemony based on force rather than on morality, finally prevailed: so much so that people have come to take as everlasting truth the words of the famous French poet who said that the views of the most powerful always prevail.

72. It is to the credit of the Soviet Union—which now is celebrating the anniversary of the great October Revolution and on this occasion we should like to congratulate our friends, the delegations of the USSR and the socialist countries—for including this item on our agenda. The action could not have come at a better time and the choice could not have been more apt. The international community is torn between hope and disappointment, between faith and cynicism. In Europe, treaties are growing in number, putting an end to long-standing hostilities. Points of view are coming closer together. The painful heritage of two world wars is being eased, and, only four days ago, we heard the news of the understanding reached between the German Democratic Republic and the Federal Republic of Germany. In two weeks time, in Helsinki, preparations for the international conference on European security shall begin, and we are on the eve of discussing mutual reductions in military forces in Europe. The era of détente is indeed dawning.

73. By contrast, the peoples of Indo-China, Palestine and southern Africa and many Arab countries are at the mercy of reactionary forces, forces of racism and imperialistic expansionism. Hardly a day passes without saturation bombing of peaceful villages, innocent human beings sacrificed and people being expelled from their territory, to create new refugees given over to frustration and poverty.

74. As we have said, the idea of non-use of force appears on the one hand, as a culmination of the process of

rapprochement, and, on the other hand, it seems to be the primary factor which is still lacking; and therefore, the victims increase in number, the ravaging of earth and villages is spreading, and hatred is building up.

75. Ambassador Malik, in his lucid explanation at the 2078th meeting, rightly emphasized this other sad aspect which compels peoples to preserve fully their legitimate right to self-defence—a principle which is enshrined in Article 51 of the Charter. In addition, there is nothing more lawful than to use every possible means for the liberation of occupied territories or to throw off the colonial yoke, the struggle for liberation having been recognized as legitimate in United Nations resolutions.

76. The use of force for expansionist or aggressive purposes should be firmly resisted by all peoples who love peace and justice. Any weakening will encourage aggression and will tempt the aggressors further to consolidate as faits accomplis—which they proclaim publicly as their faith and their policy—their illegal acquisitions and their efforts to expand even further their range of destruction. Non-use of force in the circumstances cannot be transformed from an aspiration into a fact until we effectively resist the practitioners and supporters of the doctrine that might makes right.

77. The task is not easy and no sacrifice is too great to achieve the ideal of an international society based on peace, justice and progress. If the adoption of the principle of the non-use of force is confirmed in theory and practice, general and complete disarmament cannot fail to follow. It is precisely to give more significance to its proposal that the Soviet Union has included in it the principle of the permanent prohibition of the use of nuclear weapons.

78. The development which is apparent in this proposal and on which we can congratulate ourselves is that one of the two greatest nuclear Powers has taken a position in accordance with the wishes of the non-aligned countries, which have long advocated this prohibition. Although for a quarter of a century the debate on nuclear weapons has produced only minimal and fragmentary results, the hope of having them banned for ever is now given new life. No one can any longer justify opposition to the prohibition of the use of nuclear weapons on the basis of the alleged disadvantages of a purely conventional and therefore inadequate deterrent. Indeed, within the framework of the Soviet proposal, this problem—real or imaginary—no longer arises, for in the last analysis this will eventually be complete disarmament, covering conventional as well as nuclear weapons, a process beginning logically with the non-use of those weapons.

79. It remains to arouse the interest of Member States in this initiative. Ambassador Malik has appealed for a constructive, sincere and detailed discussion. It is important to take advantage of the propitious atmosphere—created by the détente we are witnessing and the threat to international peace—for a major decision by the international community and, I would even say, for a revolution. We must conquer peace on the basis of justice and mutual trust.

80. The procedure for arriving at this point is of secondary importance. A recommendation by the General Assembly

reflecting the possibility and the will to renounce the use of force in international relations in violation of the principles of the Charter and to put an end to the nuclear threat is really the basic idea. It would then be for the Security Council, which is the supreme body entrusted with maintaining international peace, to spell out the idea in concrete detail and, at one of its periodic sessions provided for by the Charter precisely to deal with major questions of international peace and security, to consider ways and means of putting these principles into effect.

81. We have heard Ambassador Malik say that his delegation is flexible on the procedure to be adopted. Once the idea has been accepted, consultations at a special level compatible with the great importance of the proposal will begin. An exchange of views within the Assembly is likely to lead us to the most appropriate wording to achieve this purpose.

82. The history of diplomacy is rich in examples of vigorous initiatives succeeding in dispelling uneasiness in international relations and encouraging political genius to create models of readaptation to peaceful coexistence and international co-operation.

83. The initiative of the Soviet Union falls squarely within this framework, and it is important to take advantage of it to achieve the supreme objectives of the Charter and realize the hopes of mankind.

84. Mr. PUNTSAGNOROV (Mongolia) (*translation from Russian*): In our opinion, the item entitled "Non-use of force in international relations and permanent prohibition of the use of nuclear weapons", proposed by the Union of Soviet Socialist Republics for the consideration of the twenty-seventh session of the General Assembly [A/8793], is of enormous significance for the relaxation of international tension, the strengthening of mutual understanding and confidence between States and the creation of conditions for ensuring stable world peace.

85. There could be no more suitable time than the present for this initiative. As the representatives of many countries have pointed out during the general debate and in the Committees, during the year that has elapsed since the twenty-sixth session of the General Assembly some definitely favourable trends have emerged on the international scene; these trends are characterized by the desire of States to achieve a political settlement of unresolved problems and differences. As we know, considerable progress in this direction has already been made on the basis of bilateral negotiations; this progress is helping to improve the international atmosphere and is opening up new and encouraging prospects and possibilities.

86. In these circumstances it is more important than ever before to mobilize the efforts of all peace-loving States for the consolidation of the results already achieved and for the implementation of concrete measures to eliminate hotbeds of international tension and to solve such urgent contemporary problems as the cessation of the arms race, the elimination of the threat of thermonuclear war, and disarmament. These are the very aims postulated by the new initiative of the Soviet Union.

87. The Soviet proposal and draft resolution [A/L.676] are directed towards implementing fundamental principles of the Charter of the United Nations—peaceful coexistence of States with different social structures, non-aggression, non-interference in internal affairs and the sovereign equality of all States. The Charter of the United Nations is imbued with the idea of the non-use of force in relations between States. Thus, it is stated in Article 2, paragraph 3, of the Charter that "All Members shall settle their international disputes by peaceful means", and paragraph 4 of the same Article stresses that "All Members shall refrain in their international relations from the threat or use of force . . .".

88. These ideas have been reflected in such important documents of the United Nations as the Declaration on the Strengthening of International Security. [resolution 2734 (XXV)] the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, [resolution 2625 (XXV)] and others. Within the meaning of the Charter of the United Nations, the maintenance of international peace primarily signifies the prevention of military conflict, or the non-admission of the outbreak of war. The spirit and content of the Soviet Union proposal which we are examining fully conform with the principal purpose of the United Nations—to save mankind from the scourge of war.

89. There was a time when disputes between States were settled mainly by non-peaceful means, including recourse to war. That situation fully suited the imperialists, who brutally trampled the interests of weak and small countries. But now that the era of the undivided rule of imperialism has sunk into the past, never to return, the situation has changed radically. New, powerful social and political elements are active on the international scene and are holding in check the forces of aggression and war. A decisive factor in the strengthening of international peace is the existence of the commonwealth of socialist countries, which consistently pursues a peace-loving policy and has enough potential adequately to repulse the inciters of aggressive war.

90. The Soviet proposal is based on the generally accepted principle of peaceful coexistence between States with different social systems. There is no need to prove that the non-use of force in relations between States is an essential prerequisite of peaceful coexistence and is of vital significance for all the peoples of the world.

91. We must welcome every step which strengthens the principle of peaceful coexistence in international relations, every step towards saving mankind from aggressive wars. In this connexion, we should like to point out that any alternative which runs counter to the trend towards the normalization of international life cannot reflect the interests of the overwhelming majority of States or of mankind as a whole.

92. Of course, the question of the non-use of force in relations between States cannot be considered in isolation from the effects of the scientific and technological revolution on the radical transformation of military technology, which has led to the emergence of monstrous means of destruction and annihilation.

93. The Soviet proposal is a logical consequence of earlier measures for the elimination of the threat of thermonuclear war, on which agreement has been reached at the multilateral and at the bilateral level. The problem of the non-use of force is here stated for the first time in a specific and practical context, in indissoluble connexion with the prohibition of the means of committing acts of aggression—that is to say, the prohibition of the use of offensive weapons, particularly nuclear weapons, in relations between States. The interconnexion and interdependence of these two aspects—the non-use of force and the prohibition of the use of nuclear weapons—are self-evident. In modern conditions, when armed attack against one State inevitably has repercussions on other States also, even local conflicts can develop into a universal crisis with the use of nuclear weapons.

94. The immeasurable threat that nuclear weapons present to mankind is by no means a mirage or a myth, as the tragedies of Hiroshima and Nagasaki remind us. The murderous effects of the use of nuclear weapons far transcend the geographical frontiers of individual States. These weapons present an over-all danger to all States.

95. The adoption by the United Nations at this time of an instrument of international law on the non-use of force in international relations and permanent prohibition of the use of nuclear weapons would have an exceptionally great political, moral and psychological significance. It would strengthen hope for the prevention of thermonuclear war, would promote the limitation of the race for both conventional and nuclear weapons and would allow additional forces and resources to be directed towards constructive ends, towards increasing the well-being of the peoples. International prohibition of the use of nuclear weapons for all time would mean the establishment of international legal rules outlawing nuclear weapons.

96. With regard to the problem under discussion, it is appropriate to recall that in the past, even before the appearance of nuclear weapons, there existed instruments of international law on the prohibition of the use of such means of mass destruction as asphyxiating, poisonous and other similar gases and bacteriological weapons. These rules of international law played an important part in the non-admission of the large-scale use of those types of weapons during the Second World War. As this historical experience shows, arms limitation measures create possibilities for further, even more radical, measures in this connexion. I should like to mention as an example 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), annex].

97. The Soviet proposal opens up real prospects for further steps towards the solution of the over-all problem of nuclear weapons—that is to say, the prohibition of the production of these weapons, their elimination from arsenals, the destruction of stockpiles and the use of atomic energy exclusively for peaceful purposes. Permanent prohibition of the use of nuclear weapons would undoubtedly be an important stage in the process of the implementation of an all-embracing disarmament programme.

98. It should be stressed that the Soviet proposal is concerned with the non-use of force in international relations, not in the absolute sense. These two concepts differ in principle. Accordingly, there are no grounds for opposing the idea of this proposal to the interests of peoples fighting for their freedom and independence. The socialist countries regard the peoples' struggle for national liberation as a legitimate and sacred cause. Indeed, it is well known that the Soviet Union, where as a result of the triumph of the Great October Socialist Revolution the bonds of imperialism and colonialism were rent asunder for the first time in man's history, has always given and is giving active assistance and support to all oppressed and struggling peoples.

99. As Ambassador Malik has already explained here [2078th meeting], the Soviet proposal does not affect the right of States to individual and collective self-defence in accordance with the Charter of the United Nations.

100. The Mongolian People's Republic has always stood and continues to stand for the strengthening of peace and the development of friendly relations and practical co-operation between different States on the basis of the principles of peaceful coexistence. This undeviating foreign policy of my country derives from the very essence of the socialist social order. Mongolia has participated in the preparation of a number of important United Nations documents designed to strengthen the peace and security of the peoples. We regard the task of ensuring international security as the cardinal problem of our time. Our delegation therefore fully supports the new initiative of the Soviet Union, which responds to the hopes and aspirations of all mankind. Experience confirms that even the most complex problems in relations between States can be settled by means of political negotiations. It is perfectly obvious that further improvement of the international situation can be brought about by the all-round development of peaceful co-operation between States and by strengthening the United Nations as an instrument for the maintenance of international peace. The principal organs of the United Nations—the General Assembly and the Security Council—have the obligation to prepare and implement practical measures to promote the prevention of armed conflicts and wars.

101. The adoption by the United Nations of a resolution on the non-use of force and the prohibition of the use of nuclear weapons would be a weighty contribution to the cause of strengthening international security. We share the view that the Security Council should take appropriate steps to give the General Assembly resolution binding force.

102. All this will further consolidate the authority and prestige of the United Nations and enhance the efficacy of its action in favour of the peace and progress of the peoples.

103. Mr. DATCU (Romania) (*interpretation from French*): In examining the question that is now before the General Assembly for discussion, my delegation takes as its starting-point the fact that strict respect by each State of the obligation not to use force or the threat of force in any form whatsoever in any circumstances against any other State is an essential premise for the maintenance and strengthening of international peace and security and for

the achievement of a climate of détente and broad co-operation among all nations.

104. Contemporary international law has raised the prohibition of the use or threat of force to the rank of a fundamental principle governing relations among States, thus responding to the imperative requirements of international life and the aspirations of nations. Continuing their efforts to achieve the central purpose of the United Nations, namely, to preserve future generations from the scourge of war. Member States have undertaken in the Charter the commitment not to have recourse in their international relations to the threat or use of force against the territorial integrity or the political independence of any State whatsoever, or to act in any other way incompatible with the purposes of the United Nations.

105. It goes without saying that the categorical prohibition of the use of force in international relations has not been and cannot be interpreted as a lessening of the inalienable right of all States to self-determination. The Charter itself, in Article 51, proclaims the right of self-defence, individually or collectively, when a State is the object of armed aggression. The system of collective security provided by the Charter in this way draws a clear distinction between the aggressor and the victim of the aggression.

106. Nor can the prohibition of the use of force be interpreted as affecting in any way whatsoever the legitimate nature of the use of force by peoples deprived of their right to determine their own destiny, to resist acts of aggression committed against them by the colonial Powers, or to fight by all means available to them against all those who stifle their aspirations to freedom and independence.

107. Life has amply demonstrated that the anachronistic policy of the threat of the use of force or the recourse to force, whether it is a question of force of arms, economic force or any other kind of force, does serious harm to world peace and security and to the cause of international co-operation.

108. To have recourse to the threat or use of force in international relations is in the last analysis tantamount to denying the fundamental rights of States to a free existence, sovereignty, independence, peace and security, and to denying the right of every nation to decide its own destiny.

109. Despite the commitments which States have undertaken under the Charter, international relations have still not been freed from manifestations of the policy of imperialism, of *diktat*, of aggression and of colonial domination. Because of this the flames of war continue to rage, armed conflicts have broken out and continue to break out, acts of aggression have been committed and sources of tension still persist in various parts of the world. And all of this follows inevitably from the use of force or the threat of force in various forms, or from recourse to pressures, constraints and intervention in the domestic affairs of other States.

110. The Charter, treaties and international declarations, like all the decisions and recommendations of our Organization, have proved inadequate in such circumstances. We

have thus arrived at a point at which we can no longer confine ourselves to statements of good intentions or general declarations. It is high time for us to proceed to act and take measures to create conditions which would make the use of force impossible and which would ensure the development of co-operation among peoples and the possibility for any nation fully to exploit its material and spiritual potential, without let or hindrance.

111. Hence, the Romanian delegation appreciates the usefulness of the initiative of the Soviet Union in presenting this item for the agenda of the General Assembly. In our view the need to strengthen international legality requires Member States and the Organization itself to redouble their efforts to bring about the effective and universal application by all States in their relations with every other State of the prohibition of the use of force or the threat of force in international relations.

112. Of course, those efforts cannot be undertaken in a vacuum because, as is well known, at its twenty-first session, the General Assembly gave special consideration to the question of the strict observance of the prohibition of recourse to the threat of force or the use of force in international relations, as well as the strict observance of the right of peoples to self-determination. Resolution 2160 (XXI), adopted at that time, contained an explicit reaffirmation that

“States shall strictly observe, in their international relations, the prohibition of the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations”.

The same resolution also provides that:

“... armed attack by one State against another or the use of force in any other form contrary to the Charter of the United Nations constitutes a [flagrant] violation of international law giving rise to international responsibility”.

113. The provisions of the Charter with regard to the prohibition of the use of force were reaffirmed once again and developed in the Declaration on the Strengthening of International Security and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States.

114. What is necessary, in the view of the Romanian delegation, is that we should pass on to a higher stage, where these commitments, which will be reaffirmed and clarified, should be made of binding legal force and universal applicability and should be provided with firm guarantees of their observance.

115. Inspired by its consistent championing of such measures, the Romanian Government has put forward concrete proposals along these lines. I would like to remind the Assembly, moreover, of the proposal submitted on 5 March 1970 to the Conference of the Committee on Disarmament, worded as follows:

“... firm commitments, assumed through an international agreement, binding and universal, not to resort to

force or the threat of force and not to intervene in any manner whatsoever and in any circumstances in the internal affairs of other States.”⁶

116. The recent positive developments in the world arena, which have been welcomed in the debate at this session, point to the real possibility of replacing the policy of force by a policy of negotiation and contact, which would make possible the solution of problems in the interest of all peoples. They demonstrate that there are no international problems, however complicated, which cannot be settled peacefully if the parties concerned are inspired by a genuine desire to eliminate the sources of tension and conflict.

117. The peaceful means of settling international disputes should thus entirely fulfil both their preventive function—that is, to prevent the aggravation of situations of tension and conflict—as well as their therapeutic function, that of providing lasting solutions for existing controversial problems between States, so that peace, international security and justice would not be endangered in any way. In this context, it would be useful, in our view, to explore the possibilities of improving the system of peaceful measures provided in the Charter and to this end to clarify the principles and rules governing direct negotiations as the principal method of the peaceful settlement of international disputes. The effective and broader observance of the obligation to settle disputes peacefully also requires that we proceed, taking account of the principles of international law, to an examination of other peaceful means of settling disputes among States, as laid down in Article 33 of the Charter, with a view to adapting them to the present needs of peaceful coexistence of States.

118. The Socialist Republic of Romania, in its international relations, always abides by the principle of non-use of force or threat of the use of force and is constantly struggling for the affirmation of this principle in interstate relations. Accordingly, the solemn joint declarations entered into by the Socialist Republic of Romania with the Kingdom of Belgium and the Grand Duchy of Luxembourg, signed at the conclusion of the recent visit by the Chairman of the Council of State of Romania, Nicolae Ceausescu, to the two countries, proclaim the common will of the parties to base their mutual relations, and those with all other States *inter alia* on:

“... refraining from all forms of military, political, economic or any other kind of constraint, and the renunciation of the threat of force and the use of force against any State, on any pretext whatsoever.”

119. The principle of non-recourse to force or the threat of the use of force has now come to assume a qualitatively new dimension because of the very existence of nuclear weapons which, with their extraordinary destructive capacity, call into question the very future of mankind.

120. In present conditions, where the nuclear arms race is steadily accelerating and where armaments and stockpiles of nuclear weapons are constantly on the increase, it would seem more necessary than ever to put into effect practical measures to prohibit the use of force and the threat of the

⁶ See CCD/PV.455, para. 70.

use of force in relations among States and, first and foremost, to outlaw nuclear weapons and the threat of their use.

121. We see in the prohibition of nuclear weapons a measure of the highest priority in the context of all the possible disarmament measures and actions designed to lead to a reduction and elimination of the nuclear peril.

122. Our Organization already took an important first step towards the outlawing of nuclear arms when, in resolution 1653 (XVI), the General Assembly adopted the Declaration on the prohibition of the use of nuclear and thermonuclear weapons. The General Assembly stated at that time that:

“The use of nuclear and thermonuclear 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”.

It went on to say that:

“Any State using nuclear and thermonuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization”.

123. As is well known, the Treaty on the Non-Proliferation of Nuclear Weapons [resolution 2373 (XXII)] contains no provision designed to halt the production of nuclear arms or to eliminate stockpiles of these arms. Nor does it offer any guarantees that nuclear weapons will not be used in any future war and it gives no assurance that these weapons will not be used.

124. Until such time as there is a general agreement on the prohibition and destruction of nuclear weapons, countries which have renounced the right to acquire such weapons, as well as all other peoples, are entitled, politically, juridically and morally, to request and to obtain, without further delay, firm guarantees that never, in no circumstances, will they be subjected to attack or to the threat of attack by nuclear weapons. Those States which possess nuclear weapons will have to assume the obligation not to have recourse, on any pretext whatsoever and in no circumstances, to the use of nuclear arms, or the threat of their use, against any States whatsoever regardless of whether that country possesses such weapons or not.

125. We believe that every Government or political leader has the duty and the great responsibility towards their own people and towards the destiny of mankind as a whole to act in the most energetic way possible to impose, without further delay, a prohibition on the use of nuclear arms. In our view, an effective way to achieve this would be, as is demonstrated in the resolution of the National Conference of the Romanian Communist Party, circulated to the General Assembly as document A/8749, to conclude a universal agreement which would proclaim the principles and fundamental rules governing the conduct and actions of States in their international relations. An important element of such an agreement should be, in our view, the solemn reaffirmation of the commitment of all States to renounce force and the threat of force against other States,

and the obligation assumed by those countries which possess nuclear weapons that they will never use these weapons or threaten to use them against anyone whatsoever and in any circumstances whatsoever.

126. In our view, we should also define and recognize in a universal agreement the principle that no problem affecting various States should be resolved without the direct participation of all the parties concerned and without full respect of their interests. A provision should also be enacted to the effect that any violation of the principles which should govern international relations and any intervention in the affairs of other States will be considered breaches of the peace and prejudicial to the cause of international co-operation, and it should be made quite clear that it is necessary to respect the sacred right of all peoples to a free life, and their legitimate right to self-defence by all possible means, including military means, against any infringement of their sovereignty and national independence.

127. The Romanian delegation considers that the adoption of such an international instrument would have a most favourable impact on international life and would constitute an important contribution to the steady improvement of the world political climate and the promotion of a relaxation of tension, confidence and mutual understanding. It is also to be hoped that the existence of this instrument would facilitate negotiations to bring about general and complete disarmament and would stimulate efforts to solve the most urgent and pressing problems of nuclear disarmament. On the juridical and moral levels the above-mentioned instrument could make a substantial contribution to the efforts at present made by the progressive forces of the whole world to strengthen international legality, ensure respect for the fundamental rights and duties of States and found international relations on the principles of the Charter, which are universal.

128. The United Nations can and must take an active part in these efforts and thus enhance its own role in the maintenance and strengthening of peace in the world, the elimination of the threat or use of force in international relations and the building of a new form of relations among States based on equality and mutual respect.

129. Mr. DIAZ-CASANUEVA (Chile) (*interpretation from Spanish*): The Chilean delegation is pleased to welcome the proposal of the Soviet Union for the inclusion in the agenda of the item "Non-use of force in international relations and permanent prohibition of the use of nuclear weapons". Any initiative linked with international peace security will have the fervent support of the people and Government of Chile. It is not a question merely of expressing humanitarian intentions and ideas but rather of finding within and outside the United Nations the means with which to struggle to exclude the use of force once and for all from international relations and replace it by recourse to law and co-operation among States.

130. Accordingly my delegation considers that the Soviet initiative, if it is really to be fruitful, cannot be confined to a statement of good intentions but should be directed towards a series of positive measures, among which should be included all of those which concern disarmament; for example, the prohibition of nuclear testing of all kinds, the

destruction of those weapons, the halting of the arms race until we have achieved general and complete disarmament under international control, the prohibition of the use of napalm and other chemical, bacteriological and toxic weapons, the dismantling of military bases, the convening of a world disarmament conference, which is also a Soviet initiative, and so on. The problem is world-wide in its dimensions because it is essential to consider various factors simultaneously and to take into account all countries in the world. The time is ripe because the tension between the great Powers has diminished; the cold war has been almost completely superseded, without however the socialist and imperialist camps having given up their particular characteristics; there are geographical regions which have been converted into zones of peace; military blocs or alliances are weakening; and, on the other hand, contacts, negotiations and agreements among various Powers which yesterday were intensifying their antagonistic positions are widening. Accordingly the United Nations can be strengthened, can cease to stand on the sidelines or be the instrument of a particular Power, and can be converted into a centre for the working out of collective agreements to strengthen peace and security and assist the development of peoples.

131. We should agree to inject new vigour into and make fully effective Article 25 of the Charter. However it is essential, if we are to achieve this, that all Member States should accept and carry out the decisions of the Security Council. Unfortunately this has not been the case heretofore. I should like to make abundantly clear something that affects the small and weaker countries. While those countries recognize and welcome the diminution of international tensions, the benefits of that relaxation of tension still have not reached them and they are still exposed to the danger of falling victim to the various forms, direct and indirect, which the use of force by imperialist reactionism takes in international relations. The use of force need not be brutal and shameless, as in Viet-Nam; it can take on various shades and forms; but the effect of the concealed use of force can also be terribly damaging; it can restrict a people, ruin it, strangle it. The use of force in the strict sense of the term would seem to be precluded by the balance of terror between the great nuclear Powers, since nuclear weapons are weapons of dissuasion and although the danger still exists it is difficult to see those Powers going so far as to use force, proceeding from conventional weapons to nuclear weapons, because the destruction would be mutual and complete and would affect every sector of mankind. Hence the item proposed by the Soviet Union is of particular interest for countries like Chile. The Soviet representative has stated that the Leninist ideal of the peaceful coexistence of States is triumphing and that this peaceful coexistence is the only possible basis for relations in the nuclear age. Chile has always stated—and states even more emphatically now that we have a Government of popular unity based essentially on the working masses—that it is in favour of peaceful coexistence among States with differing political and economic systems. Unfortunately, the imperialist aggressors have ignored our peaceful convictions and our aim of achieving coexistence and good-neighbourliness; they have ignored our hand outstretched in good faith to all, they have attacked our sovereignty and right to self-determination, creating obstacles and impediments in the way of our free and irreversible march towards socialism.

132. In respect of the concept of force, my delegation would like to put forward two fundamental points which do not have merely verbal significance but are rather designed to clarify the strict definition of the term on the basis of social philosophy. I know full well that the Soviet proposal is designed to condemn the use of force to attack or threaten a people; to commit a breach of the peace; to attack territorial integrity, political independence, sovereignty, self-determination, equality of rights, international security; to undermine the principles of justice, of international law and of the Charter of the United Nations. It is necessary not only to renounce that type of force in international relations but also to prevent its use by setting up various forms of machinery or systems to make it ineffective and uproot it from the international community as a remnant of the days of the caveman; or as the god Moloch, monstrously powerful, whom mankind has endowed with more power than any other evil god of the past, as if mankind had a morbid inclination to immolation. But there is another use of force, mentioned clearly by Mr. Malik in his statement, and that is an inalienable and legitimate right of peoples: namely, self-defence on an individual and a collective basis; the right to use force against aggression, tyranny and injustice; the right which is being exercised, for example, by the heroic fighters in Viet-Nam and those who are fighting for the freedom and independence of the peoples of Angola, Mozambique, Guinea (Bissau), Namibia and Zimbabwe. It is the sacred right of the weak and the oppressed to use force, force which does not rely upon powerful weapons but rather on rudimentary ones, which leads men to go even so far as to lay down their lives and destroy the few poor possessions they have.

133. I should like to offer another comment on force in international relations. When we talk about the threat or use of force we are thinking in terms of the use of weapons; but there is a force which, while it does not have to rely on the visible use of bombs or rockets, of armies or toxic gases, is nevertheless directed against a country and is also an act of aggression, a violation of law and of sovereignty; it is a protean force, which has many facets and faces depending on the case, which is exercised as a threat or in the form of subversion, interference in the domestic affairs of a State, reprisals, pressures, coercion, compulsions, extortion, open or hidden blockade, encirclement, harassment, detrimental propaganda, hostility and so on. I am referring to a whole range of resources open to imperialism to strangle a country which is proud of its sovereignty and which exercises its rights in accordance with the principles of the Charter and of international law. I am referring to the use of force with other weapons which are equally powerful and dangerous and are used by imperialism when a country, as is the case with Chile, freely disposes of its natural resources, recovering its wealth from the unlawful domination of imperialist enterprises.

134. General Assembly resolution 1803 (XVII) proclaims the right of peoples and nations to permanent sovereignty over their natural wealth and resources. That sovereignty, according to the resolution, should be encouraged by mutual respect among States. Violation of those sovereign rights is contrary to the spirit and the principles of the Charter. It impedes the development of international co-operation and the preservation of peace.

135. Moreover, resolution 2880 (XXVI) includes the following paragraph:

"Declares that the termination of coercive acts which deprive peoples of their inalienable rights to self-determination . . . [is an essential element] for the strengthening of international peace and security".

In the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations [*resolution 2625 (XXV), annex*] we find the following principles:

"Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence."

136. Accordingly, we are witnessing a more detailed and decisive development of the concept of the use of force which broadens it and brings out its dangerous implications in respect of the sovereignty of States. In this connexion it is urgent to work more intensively on the definition of aggression, which is so closely interlinked with the use of force.

137. The situation of peoples who are victims of the use of force in all its forms raises new problems. For example, Chile, because it nationalized its own copper, is in conflict with the Kennecott Copper Corporation. A State such as Chile, like the majority of nations and States that are Members of the United Nations, is weak and exceedingly vulnerable in the face of certain multinational businesses. I do not say that all go as far as the Kennecott Corporation, but there are many companies that have millions and millions of dollars, collect excessive profits, exploit local resources and labour, have available to them the most advanced technology, have great influence, dominate the money markets and dispose of the most effective and sordid means of subjugating a country which dares to challenge them. According to *Time* magazine,

"The Kennecott office in Manhattan from which Pierce McCreary, general legal counsel, directs the campaign has the air of a war office. His desk is covered with reports on the movements of ships, and on one wall there hangs a huge map for following the courses of the ships. From his office, Mr. McCreary keeps close watch over boats entering or leaving the Chilean port of San Antonio, from which is shipped the ore from the 'El Teniente' mine, the mine nationalized from the Kennecott Corporation. At the present time, Mr. McCreary is following the movements of at least six ships *en route* to Europe with copper from 'El Teniente'; when those ships arrive, his agents will be there to intervene in the courts".*

138. At that time, Kennecott will make efforts to have our copper embargoed, to try to get the buyers to make their payments, not to the State of Chile, but to Kennecott, and to sow panic among the buyers. The State of Chile has respected all the rules for nationalization and has granted to

* Translation by Secretariat.

Kennecott the right to address itself to independent courts in respect of matters of compensation. But the multinational enterprise to which I refer has not respected that judgement: it flouted the law and, through its tentacles extending throughout the world, it has declared war on us, this "copper war", with generalissimos, campaign headquarters, electronic detectors, spies, agents, and vast financial resources.

139. Copper is the daily bread of Chile, as President Allende has stated. It accounts for 80 per cent of our exports: it provides us with foreign exchange to remedy our food shortages and acquire our spare parts, and any hindrance or delay in the trading of copper causes us enormous damage. What is happening to Chile today can happen to any other country of the third world tomorrow. And faced with this use of force, with this aggression on the part of an imperialist enterprise, the international community is without defence. The United Nations has no effective machinery to prevent or reduce the damage to a defenceless country; available legal instruments are still not sufficient, nor have we planned, within the United Nations, a course of action appropriate to this new type of war and this new attempt against international security.

140. It is a fact that all peoples of the world are being caught up in a wave of solidarity with Chile, a wave of protest against the manoeuvres of imperialism. This movement in our favour gives strength to our resistance, convinces us that there are common interests among peoples and an increasing need to organize collective action that will attack the danger posed by certain unscrupulous multinational enterprises, powerful pressure groups capable of bringing their influence to bear on Governments, private-interest groups, states within States, which are involved in the international life of our times.

141. Hence, the Soviet initiative should be received with the greatest attention, for it opens up prospects for acting, on the basis of legal and moral criteria, with regard to the international social reality.

142. The draft resolution submitted by the Soviet Union serves as a stimulus in the struggle of peoples against aggression; it tends to make States more responsible in practising mutual respect and to protect those States which are seeking to preserve their sovereignty and resources from imperialist exploitation, from dictation by domination,

from subjugation, from "might makes right", from the law of the jungle.

143. It is true that Article 2, paragraph 4, of the Charter states that all Members of the Organization shall refrain from the threat or use of force; but we must be consistent with that fundamental demand of the Charter and transform relations among States by creating stricter obligations leading to effective implementation of the principle. Accordingly, we give our fervent support to any action aimed at prohibiting the use of nuclear weapons and at urging the nuclear Powers toward a compromise that will compel them to adopt measures to achieve the permanent prohibition of the use of such weapons, the production and stockpiling of which constitute a threat to wipe out all mankind.

144. Aside from their enormous potential for death, the nuclear arms race, the technological development, ever more costly and more refined, of such weapons, the successive invention of weapons, counter-weapons and counter-counter-weapons, all represent something that is as alarming as it is absurd, particularly if we realize that their use is becoming every day more and more hypothetical, unless of course we come to the stage of committing acts of insanity. It is distressing to note that, aside from the enormous resources devoted to the nuclear arms race, the so-called second industrial revolution, that is to say the commercial and technological exploitation of computers and electronic systems, has had greater application to war purposes than to civilian uses, despite the hunger, disease and poverty that afflict the greater portion of mankind.

145. The Latin American countries have played an active part in the resolutions calling for the suspension of the nuclear arms race. My delegation considers that the Soviet proposal is deserving of a study in depth that will shed light on its basic elements and show its full scope. Discrepancies may come to light, though I doubt this very much because it is drafted in simple and incontrovertible language. This proposal can be linked with others dealing with disarmament and international security. In any event, in the face of the dangers confronting mankind, and taking advantage of a certain element of relaxation of tension to be observed in international relations, this session of the Assembly is in a better position than any other to mobilize the United Nations and to strengthen its authority by fully assuming its responsibility vis-à-vis the peoples of the world.

The meeting rose at 1.10 p.m.