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Chairman: Mr. HEPBURN (Bahamas)

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ORGANIZATION OF WORK

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The meeting was called to order at 11 a.m.

AGENDA ITEM 122

SETTLEMENT BY PEACEFUL MEANS OF DISPUTES BETWEEN STATES (A/34/143; A/C.1/34/L.45 and L.49)

The CHAIRMAN: This morning we shall proceed to the consideration of yet another important item on our agenda, "Settlement by peaceful means of disputes between States". It will be recalled that this question was included in the agenda of the current session of the General Assembly and referred to our Committee for examination at the initiative of Romania.

For the deliberations on this subject, the First Committee has before it the following documents: a letter dated 16 July 1979 from the Minister for Foreign Affairs of Romania addressed to the Secretary-General, containing an explanatory memorandum on the item, in document A/34/143, and also a draft resolution submitted by 15 nations, calling for the elaboration of a General Assembly declaration on the peaceful settlement of disputes between States, in document A/C.1/34/L.45.

In his address to the General Assembly in September the Foreign Minister of Romania, Mr. Andrei, expressed the conviction of his Government that a thorough debate of this item would

"lead to a clearer identification and utilization of the possibilities provided by the United Nations and its Charter to act more vigorously and more effectively in the prevention and settlement of disputes and conflicts between States, on a just and lasting basis." (A/34/PV.12, p.8)

It is my earnest hope that this debate will take place in a positive and constructive spirit and that it will afford our Committee the opportunity to contribute to a better performance by the United Nations of one of its most important functions relating to the maintenance and consolidation of international peace and security.

Mr. MARINESCU (Romania) (interpretation from French): The primary purpose behind the creation of the United Nations was to save succeeding generations from the scourge of war, to ensure the settlement of international disputes by peaceful means, in accordance with the principles of justice and international law. Pursuant to the terms of the Charter, Member States have committed themselves to solving their international disputes by peaceful means so that neither international peace and security nor justice may be jeopardized.

Nevertheless, there have been and continue to be a number of cases of recourse to the use or threat of force in the settlement of international disputes, which has led to military conflicts, to the violation of the sovereignty and territorial integrity of certain States and to the creation of grave dangers to peace and security all over the world. This is a source of legitimate concern to the peoples of the world. The prevention of conflicts and the peaceful settlement of all disagreements, disputes and conflicts among States has become a basic requirement for the maintenance of peace, the stability of international life, and for détente and co-operation among nations.

On that basis, the Romanian Government proposed the inclusion of an item in the agenda of the present General Assembly entitled "Settlement by peaceful means of disputes among States". The United Nations consideration of this item is thus both timely and urgent.

Indeed, there are in the world many problems, some of which are extremely complex and difficult, that have not as yet been adequately solved, or solved at all. Thus, for example, a series of disagreements and disputes of a territorial or other nature among States have been inherited from the long era of imperialist and colonialist domination. Furthermore, a new set of inter-State disputes has emerged, some of which were created by the different approaches to various problems of the domestic development of States or to the evolution of the international situation.

(Mr. Marinescu, Romania)

The upsurge in the policy of force and the trend to preserve or to redistribute spheres of influence and domination have led to the emergence of new, serious dangers to détente and to international peace and security. The most varied means are used to promote this policy, ranging from recourse to military force and interference in the domestic affairs of States, to actions aimed at sowing discord among peoples and at directly or indirectly fomenting conflicts among States, including even the use of economic measures of one kind or another to maintain domination over certain peoples or to reduce others to servitude.

There can be no doubt that recourse to military as well as economic means in pursuit of a policy of domination and oppression constitutes a danger to the cause of independence and peace and should be firmly repudiated by all peoples. Yet, the main danger at present resides in the use of military force, and this must be opposed by every means at our disposal in order to safeguard the independence of nations, promote new relations among States, based on full equality of rights, prevent an aggravation of the international situation and the outbreak of new wars - above all, of a world war - and ensure peace.

Furthermore, the widening economic, energy and financial crisis, the intensification of existing contradictions and the appearance of new ones among various States or groups of States have led to the exacerbation of existing disputes and to the emergence in different parts of the world of new conflicts involving mostly small, medium-sized, non-aligned or developing countries, and to tension and growing instability in international life.

It is precisely for that reason that Romania gives pride of place to the struggle against the policy of the use or threat of force and calls for a renunciation of the military option in the solution of problems between State and for their settlement by exclusively peaceful means. With the growing interdependence among nations, any state of tension and, a fortiori, any conflict, even though it may be "local" or "limited" in nature, can seriously jeopardize the general process of détente, which ought to be comprehensive, universal, and not restricted to certain zone, States, or groups of States.

(Mr. Marinescu, Romania)

Consistent with the fundamental principles of its foreign policy, Romania has been and is working tirelessly for the elimination of all hotbeds of tension and conflict and for the settlement by exclusively peaceful means - in other words, by negotiation - of disputes between States and of all international problems in order to abolish once and for all the threat or use of force when disputes arise among States. Romania has vigorously and steadfastly held to this position in all cases, regardless of where or when the dispute arose, or of its nature.

This consistent approach taken in Romania's foreign policy was reconfirmed during the Twelfth Congress of the Romanian Communist Party, held a few days ago in Bucharest. Summing up Romania's firm position on the need to solve all disputes between States by exclusively peaceful means, the General Secretary of the Romanian Communist Party and President of the Socialist Republic of Romania, Nicolae Ceausescu, stressed that:

"Everything must be done to achieve a negotiated settlement of all conflicts that may arise in order to avoid an outbreak of new conflicts and to normalize relations among all States. It is imperative that universally recognized rules of international law be respected, that moderation be exercised in the settlement of disputes, and that no action be undertaken that might engender tension and poison the international climate."

He went on to say:

"We feel that no effort should be spared to solve all problems solely by means of negotiations in order to avoid an outbreak of new conflicts and to normalize relations among all States, regardless of the problems and disputes among them, as well as of their social and political options."

It is a known fact that disputes between States cannot be solved by force, and that a just and lasting solution to them can only be achieved by agreement of the parties, at the negotiating table. It is incumbent upon States to settle their disputes by peaceful means; indeed, this is one of the cardinal principles of present-day international law.

(Mr. Marinescu, Romania)

That principle is firmly enshrined in the Charter of the United Nations and is reflected in a number of important instruments adopted at the regional level, such as the Arab League Pact, signed on 22 March 1945, the Chapultepec Act, of 3 March 1945, the Bogota Pact, of 20 April 1948, the Charter of the Organization of African Unity, of 1963, and the Final Act of the Conference on Security and Co-operation in Europe, signed in 1975 in Helsinki. The United Nations has reaffirmed that principle in many resolutions, undoubtedly the most important of which is the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970.

(Mr. Marinescu, Romania)

In spite of all that, it is a real fact that the policy of force, armed actions and military interventions that seriously harm the peoples involved and at the same time pose grave dangers to international peace and security has been and still is being resorted to. History bears witness to the fact that having resort to force and military means, except in the cases specifically covered by the United Nations Charter, has never resulted and can never result in a real and lasting solution of problems. On the contrary, the use of force merely complicates things further, creates new factors of tension and jeopardizes the future of relations between these States concerned for a long period of time.

As is also stressed in the explanatory memorandum requesting the inclusion on the agenda of the session of the item entitled "Settlement by peaceful means of disputes between States", the Romanian Government believes that nothing justifies nor can justify the use of force or threat in relations between States, or of intervention and military actions of any kind as means of resolving problems and disputes of any sort whatsoever.

The practice of international life attests that there are no disputes or situations of conflict, however complicated they may be, that cannot be settled by political means and by negotiations. Of course, given the often complex nature of these problems, it is not always possible to solve them at once. Sometimes obstacles crop up during negotiations and removing them may prove difficult. However, the essential thing is that all parties should try, with patience and perseverance, to smooth over the ground with the aim of achieving agreement. By proceeding in that manner, even the most difficult problems that have affected relations between various States for a long period of time have finally been equitably resolved by means of negotiations.

It goes without saying that the real, effective and lasting solution of differences can only be achieved through the constructive support and participation, on a perfectly equal footing, of all parties concerned, in the spirit of respect for the right of each one to defend his interests and to have a say on questions which concern him directly.

Third parties have the duty to do nothing which might perpetuate a dispute and make the situation worse but, on the contrary, they should act in conformity with the principles of the Charter in order to encourage the solution of the dispute and contribute to bringing the parties in question together and reconciling them.

(Mr. Marinescu, Romania)

In this connexion we greatly appreciate the efforts made by the Organization of African Unity (OAU), including those at the high-level meeting held this year, towards contributing to the solution of inter-African disputes and conflicts by the African States themselves, without any outside interference, while preserving the independence and sovereignty of those countries as well as their unity and solidarity in the struggle against imperialism, colonialism and neo-colonialism.

We also hold in high esteem the concern of the Movement of Non-Aligned Countries, confirmed at their Havana Summit Conference, at preventing military clashes between non-aligned countries and at facilitating the search for peaceful solutions to disputes opposing those countries.

By the very nature of its goals and fundamental attributes, the United Nations offers the most propitious framework for stimulating the peaceful settlement of all disputes. In our opinion, the United Nations can and must be extremely active in that field, should contribute more through the means available towards the peaceful settlement of disputes between States, and should assume greater responsibilities in efforts aimed at preventing conflict.

When in 1972 Romania proposed a debate in the General Assembly specifically devoted to the strengthening of the role of the United Nations in international life, one of the fields envisaged was precisely that of the peaceful settlement of disputes between States. During the debates which took place as a result of the Romanian initiative, as well as in the communications that Member States addressed to the Secretary-General in the period between 1972 and 1974 pursuant to the resolutions adopted after those debates, many proposals were made for strengthening the role of the United Nations in the peaceful, just and equitable solution of disputes between States. They were sent on for consideration to the Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization.

Among the proposals submitted by Romania on making the Organization of the United Nations assume greater responsibilities in the field of the peaceful settlement of disputes between States, the idea should be mentioned of the creation of a standing committee of the General Assembly to perform functions of good offices and conciliation. According to our idea, such a committee, which would not function independently but in close liaison with the Security Council, could contribute usefully to preventing the appearance of tensions and stopping them from getting worse and degenerating into armed conflicts.

(Mr. Marinescu, Romania)

Many proposals have also been made by other States concerning the ways and means that would allow the United Nations to play an increased role in the solution, by peaceful means, of international disputes. Some of those proposals appear in the list submitted by the Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization that was submitted to the General Assembly during the current session. The proposal concerning the drawing up of a declaration by the General Assembly relating to the peaceful settlement of disputes between States appears in a good position on that list, as a first step towards a future international treaty on that subject;

Romania is also a sponsor of that proposal which recommends the adoption of an international instrument to set forth in detail the obligation of States to settle their disputes by peaceful means only and to draw up a code of the rules which should govern the procedures of peaceful settlement as set forth in Article 33 of the Charter. The setting up of such an instrument is also justified by the developments and innovations which have taken place in the practice of States. They have, since the creation of the United Nations, concluded many bilateral and regional agreements setting up procedures for the peaceful settlement of disputes, or treaties containing clauses to that same end. We believe that such an instrument would encourage respect for the principle of the peaceful settlement of disputes and could help to prevent situations of conflict. Through its provisions, such an international instrument could also contribute to defending the sovereignty and national independence of States and would have a particularly favourable influence on the world political climate.

(Mr. Marinescu, Romania)

The Romanian delegation is gratified that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization achieved a consensus on the timeliness of preparing a General Assembly declaration on peaceful settlement of disputes.

We consider that to be the most significant result achieved in the course of the Committee's four years of activity.

Further, we feel that it would be desirable for the General Assembly, as soon as possible, to start work on the preparation of such a declaration. Desirous of effectively contributing to the achievement of that goal, the Romanian delegation has submitted to the First Committee a working paper containing such a draft declaration (document A/C.1/34/L.49).

In the preparation of that draft the Romanian delegation took into account the positions, ideas and suggestions expressed in the course of the Special Committee's debate, as well as the official communications addressed by Member States to the Secretary-General. In addition, my delegation has also taken into account the suggestions and opinions voiced during unofficial consultations carried out during the current session with a large number of delegations interested in the preparation of such a declaration. True, the text can still be improved; it is merely intended as a working paper to make it easier for the General Assembly to examine the question and to enable it to begin drafting the declaration as soon as possible.

With regard to the framework in which the aforementioned declaration could be completed, the delegation of Romania is open to any formula or suggestion and is ready to co-operate in the drafting of such a document in any framework which is acceptable to the majority of Member States and on which they can achieve a consensus.

After holding consultations with numerous delegations, the delegations of Bangladesh, Bolivia, Colombia, Costa Rica, Egypt, Ghana, Guinea, Guyana, Malawi, Mali, Mauritius, Sierra Leone, Somalia, Spain, Yugoslavia and Romania have submitted to this Committee the draft resolution contained in document A/C.1/34/L.45, in which we propose that, at the present stage, the

(Mr. Marinescu, Romania)

General Assembly concentrate its attention on the preparation of a declaration on the peaceful settlement of disputes between States.

Bearing in mind the provisions of the Charter in this matter, the draft resolution recalls the important role incumbent upon the United Nations to encourage the peaceful settlement of disputes and to prevent armed conflicts among States. It calls upon all States to adhere strictly in their international relations to the principle that States shall settle their disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

Recognizing the importance of a General Assembly declaration on the peaceful settlement of disputes, the draft resolution then invites all States to co-operate in the preparation of such a declaration. The other provisions of the draft are intended to ensure adequate conditions for the General Assembly, at its next session, to begin the elaboration of the declaration and for that process to take place with the widest possible consultation of Member States.

We venture to hope that the draft resolution which we are submitting will enjoy the unanimous support of the First Committee.

In conclusion, I should like to assure the Committee that the Romanian delegation will continue to make every effort and actively co-operate with all other delegations concerned so that the debate on the peaceful settlement of disputes between States will be concluded with concrete and constructive results, so as to strengthen the ability of the United Nations to fulfil the important tasks entrusted to it and to contribute to a just and equitable solution of all disputes.

We are convinced that delegations will make a valuable contribution to the comprehensive examination of this item and achieve results that will meet the hopes and legitimate interests of all States in détente, peace and international co-operation.

Mr. WINN (United States of America): The United States strongly supports any initiative that will result in enhancing the effectiveness of the Charter rule obligating States to settle their disputes by peaceful means. No small part of the violence that the world has experienced has been due to the tendency of States to allow disputes to go unresolved until they erupt into violence.

The obligations of the Charter are clear.

Pursuant to Article 2 (3) States are obligated to

"... settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."

Pursuant to Article 33 (1),

"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

Pursuant to Article 36 (3), it is clear

"... that legal disputes should as a general rule be referred by the parties to the International Court of Justice..."

To the extent that the parties themselves are not prepared to attempt to settle their disputes, any Member of the United Nations may, pursuant to Article 35 (1),

"... bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly."

In addition to the Security Council, the International Court of Justice and the Secretary-General, there is existing international machinery for arbitration, mediation, conciliation and fact-finding.

We thus have a basic framework for the peaceful settlement of disputes and a range of techniques and organs charged with the responsibility to assist in the resolution of conflict.

The fact that disputes are nevertheless not uniformly resolved, and certainly not uniformly resolved by peaceful means, impels us not to be satisfied with the status quo. The question is not whether something should be done; the question is what can best be done to bring home to States not only the existing legal obligation to settle disputes by peaceful means, but also the fact that it is in their interest to do so.

It is not clear precisely what action by the international community can best improve the situation. One element that is needed is an enhanced willingness on the part of States to honour their existing obligations. Is it possible that States are insufficiently aware of the richness and diversity of dispute settlement methods? To what extent are States guided by prejudices that can be eliminated by an examination of the facts?

Clearly, the reasons why the record is not better are complex. It may be that a meaningful declaration building upon Articles 2, 33 and 36 of the Charter and upon the Friendly Relations Declaration would help. It may be that there are other more useful steps that can be taken. We believe that all aspects of the problem must be looked at and do not think we are yet in a position to conclude that a new declaration on peaceful settlement is necessarily the only or the best answer to the problem. Consequently, we would not regard the adoption of the draft resolution contained in document A/C.1/34/L.45 as a commitment to do more than consider the question of the utility of such a declaration. We hope, moreover, that all States will feel free in their comments to the Secretary-General to discuss the question of the utility of a declaration and to make any other appropriate suggestions or proposals to enhance the effectiveness of the obligation of States to settle disputes by peaceful means.

We are pleased that the Romanian delegation has agreed that this matter should in the future be handled in the Sixth Committee. It is our hope that further examination of the problem of the failure of States to settle their disputes by peaceful means will make an important contribution to the fulfilment of the purposes of the United Nations.

Mr. RAMPUL (Mauritius): It is a meaningful coincidence that we are discussing the issue of settlement by peaceful means of disputes between States after having completed our discussions on the disarmament items on

our agenda and before resuming discussion of the item on the inadmissibility of the policy of hegemonism in international relations. It is, indeed, to be stressed that the process of disarmament should be accompanied by a parallel process of building a system of security which will guarantee to every State its independence, sovereignty, territorial integrity and the other conditions for development, in accordance with the aspirations of its people. Also, the issue of hegemonism is related to that of spheres of influence, which contributes to the acceleration of the arms race and the creation of conflicts and tension in the world.

I would recall that in the introduction to his annual report on the work of the Organization, Secretary-General Kurt Waldheim stressed that the struggle for spheres of influence has led to great suffering and destruction throughout recorded history, especially for the innocent bystanders who have always constituted the overwhelming majority of the human race. One of the main reasons for setting up the United Nations was to replace the struggle for spheres of influence with a more civilized and more representative system of world order in which the nations of the world would govern their relations and tackle their common problems with the agreement and participation of all, the weak as well as the strong. But this new system can succeed only if all nations wholeheartedly support it and honour the obligations and responsibilities they have accepted under the Charter. It would indeed be a tragic step backwards if we were now to give up this fundamental and hard-won advance in world affairs and revert to a system which has, in the past, meant the domination of the many by the few and which has constituted a permanent risk of world war. We must strive to reach a point where the system and the principles of the Charter, and not the rivalries of the great Powers, are the decisive and dominant elements of the international order. This assessment by the Secretary-General should be kept in mind when we discuss the issue before us and the one to come after it on the inadmissibility of the policy of hegemonism.

Indeed, we should recall that the United Nations Charter contains an expression of the determination of the peoples of the United Nations to practise tolerance and to live together in peace with one another as good neighbours, to unite their strength to maintain international relations and peace and security, and to accept principles and institute methods that would ensure that armed force shall not be used. The Charter also reaffirms the principle

according to which States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

From time to time the General Assembly and its subsidiary organs have considered how the provisions of the Charter relating to the peaceful settlement of disputes could be implemented to better effect. We would recall, for instance, that as early as 1948 Belgium proposed that the General Act for the Pacific Settlement of International Disputes of 26 September 1928 should be restored to its original efficacy. As another example, I would mention that in 1950 Yugoslavia submitted to the General Assembly a proposal that a permanent committee of offices should be established to facilitate the application of the means of pacific settlement specified in Article 33 (1) of the United Nations Charter.

We should admit that some progress has been made over the years with respect to the further elaboration of this principle. Thus, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations states the following concerning the peaceful settlement of disputes:

"Every State shall settle its international disputes with other States by peaceful means in such a manner that international peace and security and justice are not endangered.

"States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute.

(Mr. Ramphul, Mauritius)

"The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them.

"States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations.

"International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality.

"Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those relating to the pacific settlement of international disputes."

(resolution 2625 (XXV))

It is to be recognized once again that the United Nations has an important role to play in the promotion of the peaceful settlement of international disputes and the prevention of the outbreak of armed conflict among States and in bringing about, by peaceful means and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. I emphasize that: situations which might lead to a breach of the peace; that is very much in our minds these days. Unfortunately, for a number of reasons, Governments do not always wish to bring conflict situations before the United Nations. It is the view of my delegation that when problems of some magnitude do not come before the United Nations, and when they cannot be dealt with effectively by the appropriate regional organization, they constitute a potential risk to international peace and security which is of legitimate concern to all Governments.

There is nowadays a kind of lack of trust in the Security Council. However, the world community must come to terms with the danger of unexpected developments and connexions arising from regional conflicts. A more reliable and generally accepted international security system is the only logical answer to this

(Mr. Ramphul, Mauritius)

fundamental problem. This issue has been discussed repeatedly both in debates at the United Nations and elsewhere. A number of important studies have also been made on the subject.

The issue was discussed more recently in the Special Committee on the Charter of the United Nations and the strengthening of the role of the Organization, where a consensus was reached - namely, that the idea of preparing a declaration on the peaceful settlement of disputes to be adopted by the General Assembly awakened special interest, and is one on which general agreement may be possible.

The draft resolution submitted by a number of countries, including my own, and contained in document A/C.1/34/L.45, envisages the elaboration of a United Nations General Assembly declaration on the peaceful settlement of disputes between States. I have to state here that, in the view of my delegation, this should be just the beginning of a longer process that should lead to the elaboration of a legally binding instrument, of an international treaty on the peaceful settlement of international disputes. My delegation considers that the following elements should be included in the declaration envisaged in the draft resolution and, later on, in the treaty I have spoken about.

All States have the duty to settle all their international disputes exclusively by peaceful means, in such a manner that national independence, territorial integrity, international peace and security and justice are not endangered.

States parties to a dispute have the duty to seek, in good faith and in a spirit of co-operation, to reach an early and just settlement of their dispute through negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, regional agencies or arrangements or other peaceful means of their choice, as may be appropriate to the circumstances and nature of the dispute, including any settlement procedure agreed upon between the parties prior to their dispute.

All international disputes shall be settled on the basis of sovereign equality of rights of States and of self-determination of peoples under colonial and foreign domination.

(Mr. Ramphul, Mauritius)

States parties to a dispute submitted to a means of peaceful settlement freely chosen by them, as well as the other States, shall act in accordance with the principles of the Charter in order to facilitate the solution of the dispute and shall refrain from any action which may aggravate the dispute or constitute an obstacle to, or cause the delay of, the settlement.

All States have the duty to contribute to the peaceful settlement of international disputes, acting in this respect in conformity with the Purposes and Principles of the United Nations Charter as well as with the principles contained 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.

Mr. ROSSIDES (Cyprus): The subject matter of this draft resolution, namely the peaceful settlement of international disputes, is an important principle of the Charter that is closely related to disarmament. The call for and the urging of all States to co-operate in the elaboration of a declaration for the peaceful settlement of disputes is welcome to my delegation. However, a matter that has long been neglected and not given attention is the required procedures or modalities that have to be elaborated in order to make possible and facilitate the application of the means of peaceful settlement of disputes. The Charter provides and enumerates merely the means of peaceful settlement of disputes, but it does not go into the procedures. Surely, if we are going to proceed to seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, and so on, we must have the relevant procedures. That is important. Take arbitration: we must know what form the arbitration would take; there are various forms of arbitration. How can we neglect this aspect and expect practical results concerning the peaceful settlement of disputes?

We very well know that over the years, particularly since the establishment of the United Nations, few problems, hardly any, have been solved by peaceful means, either through negotiation or in any other way. The absence of procedures may be one of the causes of this ineffective development regarding peaceful settlement. We do not, however, overlook that the main

(Mr. Rossides, Cyprus)

thing that prevents the peaceful settlement of disputes is the failure of the United Nations or the international community to give validity or effect to the Charter prohibition of the use of force, thus ensuring, in the manner provided by the Charter, the effective implementation of Security Council decisions. As long as we are in a world that has no legal order because the decisions of the Security Council remain unimplemented and without any effect and are only paper resolutions, we cannot expect effectively to prohibit the use of force. And if the use of force is not effectively checked, then in any dispute between two parties the stronger side, relying on its weapon and its force, will not be ready to go along with the peaceful settlement of disputes, or, if it does, it will be pretending to do so or trying to impose its own will and its own rights over the rights of the other side, and hence the peaceful settlement of disputes will fail.

So that is the main reason, but over and above that, having the provisions for the peaceful settlement of disputes, but not being provided with the necessary modalities for the application of the means, is an added difficulty.

(Mr. Rossides, Cyprus)

Thus the larger problem in the peaceful settlement of disputes, that of effectively prohibiting the use of force, does not at the moment concern us. We are concerned with this draft resolution, of which we approve but which we want to be effective. We believe that it is necessary to look to the modalities. The strong link between the peaceful settlement of disputes and the effective prohibition of the use of force emerges from Article 2 of the Charter, paragraph 3 of which calls for the peaceful settlement of disputes and paragraph 4, immediately following, prohibits the use of force in international relations, while paragraph 5 relates to enforcement action by the Security Council to give effect to its decisions.

The development of peaceful means for the settlement of disputes, the subject of the draft resolution before us, is of vital significance and has long been lacking. Already more than a decade ago, in 1968, my delegation submitted a draft resolution for a study by international experts on the relationships among disarmament, international security, the peaceful settlement of disputes and development. That proposal on the subject of disarmament was submitted in draft resolution A/C.1/L.449 of 2 December 1968. That draft resolution also asked for the broadening of the mandate of the Disarmament Commission in order that it might deal with such matters.

At that time, the climate in this Committee was not yet ready for the adoption of such a resolution. However, by the time of the special session of the General Assembly devoted to disarmament, and immediately preceding that session, studies on the relationship between disarmament and international security and on the relationship between disarmament and development had been decided upon and are under way.

No study, however, has been undertaken on the other element contained in my draft resolution, namely the peaceful settlement of disputes, which is also directly related to the question of disarmament. That is why we welcome the draft resolution before us.

I might also mention that the question of the broadening of the mandate of the Disarmament Commission was also taken up and effected by the special session of the General Assembly on disarmament. What remains to be covered, therefore, in the area of draft resolutions and procedures, is the question of peaceful settlement of disputes. We therefore fully support

(Mr. Rossides, Cyprus)

draft resolution A/C.1/34/L.45 and we would wish to join in sponsoring it. We strongly feel, however, that somewhere, somehow, reference must be made to the necessary modalities for the elaboration of the procedures to facilitate the peaceful settlement of disputes. We would have liked to see in this draft, for example, after paragraph 2, which reads:

"Urges all States to co-operate in the elaboration of a United Nations General Assembly declaration on peaceful settlement of disputes between States",

the addition of the phrase "including relevant modalities". Of course the modalities may be contained in the declaration and it may not be necessary to have a treaty for them. They could be procedural rules, worked out and adopted by the General Assembly, and they would have validity as long as there was the willingness to solve problems by peaceful means. But let us facilitate the peaceful settlement of disputes by providing the necessary procedures.

Mr. HARMON (Liberia): I should like to add the endorsement of Liberia of the remarks just made by my colleague, Ambassador Ramphul of Mauritius, on the draft resolution before us. As he has covered most of the points and has placed emphasis where our delegation feels it is appropriate in this discussion, it would seem that were we to make a statement we would be burdening the record, and it might give some of our colleagues the impression that we had compared notes before coming into this meeting. I therefore wish to endorse fully what Ambassador Ramphul has said.

I am pleased also to take note of what the representative of the United States has just said to the effect that this question involves legal ramifications, and while my delegation is fully in agreement with the intent of the representative of Romania, speaking on behalf of the sponsors of the draft resolution, I assume that, because of the nature of any such declaration, this item should be handled by the Sixth Committee, since a great deal of time and consultation will be necessary for the future adoption of any declaration that would be meaningful as well as enforceable. It is therefore the recommendation of the Liberian delegation that this matter be considered accordingly.

Mr. ECONOMIDES (Italy) (interpretation from French): The delegation of Italy, which has carefully examined the draft resolution submitted by Romania on the subject of the settlement by peaceful means of disputes between States contained in document A/C.1/34/L.45, wishes to become a sponsor of that draft resolution.

The CHAIRMAN: In addition to Italy, Colombia, Cyprus and Madagascar also have become sponsors of draft resolution A/C.1/34/L.45

ORGANIZATION OF WORK

The CHAIRMAN: Although it is now only 12.10 p.m., we have already concluded our work for this morning, so that we have a great deal of time remaining to us. A large number of representatives have inscribed their names to speak on item 126, and some have indicated to me that they are prepared to speak at any time beginning this afternoon. I would suggest therefore that, if the Committee agrees, at the end of each of our meetings until Thursday, we could, if we have time remaining to us, hear those representatives who are ready to speak on that item. In that way we would take care of the point raised by the representative of Malta last evening about making it possible for all who wish to speak on item 126 to do so, and should waste no time at all.

On Thursday afternoon we shall be voting on the draft resolution under item 122, which means that we shall need some time to deal with that document. But at our meetings today and tomorrow, after we have heard the statements of those representatives wishing to speak on item 122, we shall, since I hear no objection, turn our attention to item 126.

Finally, I would ask those representatives who wish to take part in the debate on agenda item 46, entitled "Implementation of the declaration on the strengthening of international security", to hand in their names as soon as possible so that the Bureau may be better able to organize the remainder of our work, with a view to concluding it on time on 7 December 1979.

The meeting rose at 12.15 p.m.