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### PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

#### Report of the Sixth Committee

Rapporteur: Mr. Molefi PHOLO (Lesotho)

#### I. INTRODUCTION

1. The item entitled "Peaceful settlement of disputes between States" was included in the provisional agenda of the fortieth session of the General Assembly in accordance with paragraph 5 of resolution 39/79 of 13 December 1984.
2. At its 3rd plenary meeting, on 20 September 1985, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with this item, the Sixth Committee had before it section III of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. 1/
4. The Committee also had before it the following documents:
  - (a) Letters dated 21 December 1984, 7 January, 22 February, 21 and 23 May, 3 and 7 June, 15 and 23 July 1985 from the Permanent Representative of the Lao People's Democratic Republic to the United Nations addressed to the Secretary-General (A/40/59, A/40/70, A/40/146, A/40/332, A/40/335, A/40/351, A/40/364-S/17247, A/40/484 and A/40/501);

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1/ Official Records of the General Assembly, Fortieth Session, Supplement No. 33 (A/40/33 and Corr.1).

(b) Letters dated 26 and 28 December 1984, 2, 4, 7, 10, 14, 15, 22 and 29 January, 7, 12, 14, 19 and 27 February, 18, 19, 25 and 28 March, 15, 18, 22, 25 and 29 April, 1, 6, 8, 9, 13, 14 and 20 May, 3, 10, 11 and 24 June, 1, 11, 23 and 31 July, 9, 16 and 22 August, 19, 23 and 30 September, 7, 14, 21 and 28 October and 6, 8, 15 and 20 November 1985 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of Afghanistan to the United Nations addressed to the Secretary-General (A/40/60-S/16873, A/40/62-S/16876, A/40/63-S/16879, A/40/67-S/16882, A/40/69-S/16883, A/40/79-S/16890, A/40/80-S/16891, A/40/81-S/16892, A/40/83-S/16894, A/40/94-S/16902, A/40/111-S/16916, A/40/120-S/16944, A/40/126-S/16952, A/40/129-S/16955, A/40/134-S/16964, A/40/138-S/16968, A/40/155-S/16988, A/40/181-S/17041, A/40/182-S/17042, A/40/208-S/17060, A/40/212-S/17066, A/40/234-S/17102, A/40/240-S/17109, A/40/255-S/17112, A/40/257-S/17116, A/40/264-S/17126, A/40/268-S/17131, A/40/273-S/17135, A/40/287-S/17155, A/40/288-S/17158, A/40/294-S/17167, A/40/297-S/17173, A/40/310-S/17186 and Corr.1, A/40/311-S/17187, A/40/324-S/17204, A/40/352-S/17236, A/40/368-S/17250, A/40/371-S/17256, A/40/403-S/17303, A/40/424-S/17318, A/40/479-S/17339, A/40/500-S/17352, A/40/526-S/17377, A/40/538-S/17390, A/40/556-S/17403, A/40/573-S/17427, A/40/630-S/17458, A/40/664-S/17479, A/40/674-S/17489, A/40/675-S/17490, A/40/690-S/17504, A/40/732-S/17545, A/40/753-S/17568, A/40/782-S/17582, A/40/821-S/17594, A/40/859-S/17613, A/40/866-S/17615, A/40/902-S/17637 and A/40/908-S/17641);

(c) Letters dated 10 and 25 January, 4 February, 4, 11, 13, 25 and 26 March, 8, 16 and 20 May, 13 and 27 June and 8 July 1985 from the Permanent Representative, Deputy Permanent Representative, Acting Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Viet Nam to the United Nations addressed to the Secretary-General (A/40/76, A/40/98 and Corr.1, A/40/116, A/40/161, A/40/170, A/40/175, A/40/206-S/17057, A/40/210-S/17064, A/40/296, A/40/316-S/17194, A/40/333-S/17211, A/40/378-S/17296, A/40/419-S/17311, A/40/466-S/17330);

(d) Letters dated 19 February and 11 March 1985 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/40/138-S/16968, A/40/140-S/16970 and A/40/172-S/17023);

(e) Letters dated 29 March, 7, 13 and 24 May, 14 and 18 June, 26 July, 21 August and 26 September 1985 from the Permanent Representative of Thailand to the United Nations addressed to the Secretary-General (A/40/214-S/17068, A/40/293-S/17165, A/40/309-S/17185, A/40/338-S/17218, A/40/382-S/17276, A/40/391-S/17285, A/40/512-S/17365, A/40/568-S/17414 and A/40/685-S/17499);

(f) Letter dated 2 April 1985 from the representatives of Costa Rica and Panama to the United Nations addressed to the Secretary-General (A/40/220);

(g) Letters dated 15 April, 20 May, 20 June, 23 July, 12 and 27 August, 16 September and 22 November 1985 from the Permanent Representative, or the Chargé d'affaires a.i. of the Permanent Mission of Panama to the United Nations addressed to the Secretary-General (A/40/235-S/17103, A/40/330-S/17208, A/40/401-S/17301, A/40/499-S/17350, A/40/545-S/17395, A/40/582-S/17420, A/40/640-S/17468 and A/40/922-S/17651);

(h) Letter dated 20 May 1985 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General (A/40/323);

(i) Letters dated 25 and 26 July, 3 and 13 September, 21 October and 25 November 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/505-S/17359, A/40/507-S/17361, A/40/599-S/17432, A/40/636-S/17464, A/40/796-S/17584 and A/40/937-S/17655);

(j) Letter dated 17 July 1985 from the Permanent Representatives of El Salvador and Honduras to the United Nations addressed to the Secretary-General (A/40/495);

(k) Letters dated 23 and 30 September and 15 November 1985 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/40/664-S/17479, A/40/691-S/17505 and A/40/899-S/17636);

(l) Letter dated 20 November 1985 from the Permanent Representative of Oman to the United Nations addressed to the Secretary-General (A/40/911-S/17644).

5. At its 3rd meeting, on 25 September 1985, the Committee agreed on a time-table whereby items 132 (Peaceful Settlement of Disputes between States) and 141 (Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization) would be considered from 13 to 21 November 1985.

6. The Sixth Committee considered the item at its 37th to 43rd and 48th and 50th meetings, held between 13, 19 and 27 November and 2 December. The summary records of those meetings (A/C.6/40/SR.37-43, 48 and 50) contain the views of representatives who spoke on the item.

## II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/40/L.21

7. At the 50th meeting, on 2 December, the representative of Romania introduced a draft resolution (A/C.6/40/L.21) sponsored by Chile, Cyprus, Egypt, Ethiopia, Guinea, Guyana, Indonesia, Madagascar, Mali, Mexico, Nigeria, Panama, the Philippines, Romania, Rwanda, Senegal, the Sudan, Suriname, Togo, Uganda, Uruguay, Yugoslavia, Zaire and Zambia, later joined by Bolivia and the Dominican Republic.

8. At the same meeting, the Committee adopted draft resolution A/C.6/40/L.21 without a vote (see para. 10).

9. The representative of Peru spoke in explanation of his position after the adoption of the draft resolution.

## III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

/...

Peaceful settlement of disputes between States

The General Assembly,

Having examined the item entitled "Peaceful settlement of disputes between States",

Recalling its resolution 37/10 of 15 November 1982, by which it approved the Manila Declaration on the Peaceful Settlement of International Disputes,

Recalling also its resolutions 38/131 of 19 December 1983 and 39/79 of 13 December 1984,

Deeply concerned at the continuation of conflict situations and the emergence of new sources of disputes and tension in international life, and especially at the growing tendency to resort to force or the threat of force and to intervention in internal affairs, and at the escalation of the arms race, which gravely endanger the independence and security of States as well as international peace security,

Taking into account the need to exert the utmost effort in order to settle any situations and disputes between States exclusively by peaceful means and to avoid any military actions and hostilities against other States, which can only make more difficult the solution of existing problems,

Considering that the question of the peaceful settlement of disputes should represent one of the central concerns for States and for the United Nations, and that efforts for strengthening the process of peaceful settlement of disputes should be continued,

Taking note of the working papers on the establishment of a commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States, 2/ submitted to the General Assembly by Nigeria, the Philippines and Romania,

Taking into account the elaboration by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization of the outline for the handbook on the peaceful settlement of disputes between States and the conclusions thereon,

1. Again urges all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes in the settlement of their international disputes;

2. Stresses the need to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field;

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2/ A/38/343; A/C.6/39/L.2.

3. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, during its session in 1986, to continue its work on the question of the peaceful settlement of disputes between States and, in this context:

(a) To continue the consideration of the proposal contained in working papers submitted by Nigeria, the Philippines and Romania; 2/

(b) To examine the report of the Secretary-General on the progress of work on the draft handbook on the peaceful settlement of disputes between States;

4. Requests the Secretary-General to continue the preparation of a draft handbook on the peaceful settlement of disputes between States, on the basis of the outline elaborated by the Special Committee and in the light of the views expressed in the course of the discussions in the Sixth Committee and in the Special Committee, and to report to the Special Committee at its session in 1986 on the progress of work, before submitting to it the draft handbook in its final form, with a view to its approval at a later stage;

5. Decides to include in the provisional agenda of its forty-first session the item entitled "Peaceful settlement of disputes between States".

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