



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/35/391 *and Add. 1*  
29 August 1980

ENGLISH  
ORIGINAL: ARABIC/ENGLISH/  
FRENCH/SPANISH

Thirty-fifth session  
Item 51 of the provisional agenda\*

PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Secretary-General

CONTENTS

	Page
I. INTRODUCTION . . . . .	2
II. REPLIES RECEIVED FROM GOVERNMENTS	
Chile . . . . .	3
France . . . . .	4
Ghana . . . . .	5
Greece . . . . .	6
Indonesia . . . . .	7
Norway . . . . .	7
Philippines . . . . .	8
Qatar . . . . .	9
Romania . . . . .	10
Seychelles . . . . .	15
Sweden . . . . .	15
United States of America . . . . .	16

ANNEX

LIST OF DOCUMENTS ISSUED SINCE THE CONSIDERATION OF THE ITEM BY THE GENERAL ASSEMBLY AT ITS THIRTY-FOURTH SESSION . . . . .	18
--	----

\* A/35/150.

## I. INTRODUCTION

1. At its 103rd plenary meeting, on 14 December 1979, the General Assembly adopted resolution 34/102, entitled "Settlement by peaceful means of disputes between States", the operative part of which reads as follows:

"The General Assembly,

"...

"1. Calls upon all States to adhere strictly in their international relations to the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

"2. Urges all States to co-operate in the elaboration of a declaration of the General Assembly on the peaceful settlement of disputes between States;

"3. Invites Member States to transmit to the Secretary-General their opinions, suggestions and proposals regarding the elaboration of a declaration on the peaceful settlement of disputes between States and to bring up to date their views on this subject submitted in pursuance of General Assembly resolution 3499 (XXX) of 15 December 1975;

"4. Requests the Secretary-General to submit to the General Assembly at its thirty-fifth session a report containing the opinions, suggestions and proposals regarding the declaration on the peaceful settlement of disputes between States;

"5. Decides to include in the provisional agenda of its thirty-fifth session an item entitled 'Peaceful settlement of disputes between States'."

2. Pursuant to the request in paragraph 4 of the resolution, the Secretary-General, on 7 February 1980, addressed a note verbale to the Governments of States Members of the United Nations or members of specialized agencies, transmitting the text of resolution 34/102 and asking for their opinions, suggestions and proposals regarding the elaboration of a declaration on the peaceful settlement of disputes between States.

3. As at 29 August 1980, replies containing such communications had been received from the following States: Chile, France, Ghana, Greece, Indonesia, Norway, Philippines, Qatar, Romania, Seychelles, Sweden and United States of America. The substantive parts of these communications are reproduced in section II below. Any additional replies which may be received will be reproduced as addenda to the present report.

4. A list of documents issued since the consideration of the item by the General Assembly at its thirty-fourth session is given in the annex to the present document.

/...

## II. REPLIES RECEIVED FROM GOVERNMENTS

### CHILE

/Original: Spanish/  
/11 July 1980/

1. The Government of Chile, which has faithfully upheld its honourable tradition of settling its disputes by peaceful, and preferably, juridical means, clearly has a special interest in a discussion on the adoption of a general document on the peaceful settlement of disputes prepared within the United Nations, whose central objective is to save succeeding generations from the scourge of war.
2. As befits nations sharing a common tradition and history, Spanish America has tended since its emancipation to seek peaceful settlements to disputes. It developed recourse to peaceful methods much earlier than Europe, which in the last century gave no thought to using them in its international disputes, and Chile has contributed the accumulated legal experience of over a century to that process.
3. Reference should be made in this connexion to the statement by Chile's Minister for Foreign Affairs in the general debate at the thirty-fourth session of the General Assembly, in which he said:  
  
"Precisely because my country has an honourable tradition of settling its disputes by peaceful and legal means, we view with satisfaction the inclusion in our agenda of an item on the peaceful settlement of disputes among States, proposed by the Government of Romania. We shall therefore make every endeavour to see that positive results are achieved in this field."  
/A/34/PV.16, p.58/
4. The Government of Chile therefore views with satisfaction and optimism the fact that the international community is focusing its efforts on the search for a consensus which responds to the "categorical imperative" to settle disputes between States by peaceful means.
5. The proposed declaration is the only instrument that can eliminate a situation with satisfaction, because which, as is manifest today, seems to be undermining the most firmly-rooted foundations of co-existence among civilized peoples and to be likely to bring down the whole edifice.
6. With well-founded optimism, because a declaration adopted by the General Assembly implies a commitment to emphasize compliance with Article 2, paragraph 3, of the Charter of the United Nations, which stipulates that "all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered", a codified provision which emanates from the Kellogg-Briand Pact of 1927.

/...

7. Owing to the incontrovertible nature of this mandate, it has in our time the force of a principle of jus cogens, reiterated in many multilateral treaties and regional agreements.

8. This undertaking requires the international community to examine its own position with respect to international law and its commitment to the progressive development and codification of international law, since the device of peaceful settlement must not be viewed as an isolated concept, but rather as a part of the modern international legal order in which each component meshes, in a working system consonant with contemporary needs, with the others such as the principle of respect for the territorial integrity of States, the self-determination of peoples and their freedom of decision, the observance of binding international treaties and decisions, and certainty in State responsibility, all of which must be co-ordinated for the sake of international peace and security.

9. A declaration on the peaceful settlement of disputes therefore deserves the approval of Chile and the entire international community and is an important step towards the over-all strengthening of the law of nations.

10. To that end, the role of the International Court of Justice should be strengthened by emphasizing its effectiveness in decision-making and extending its jurisdiction with respect both to the parties and to the subject-matter referred to it for adjudication or for an advisory opinion.

11. Arbitration must always be available to the parties to a dispute and must be an expeditious means of amicable and legal settlement, bearing in mind at the same time that all negotiations through which the parties try to end a dispute must be carried out in good faith and with the definite aim of multilateral peace.

12. States which are parties to a dispute have available to them, under Article 33 of the Charter of the United Nations, a panoply of legitimate means of peaceful settlement, and these must be strengthened, especially those which constitute legal settlements, a sphere in which Chile has persevered and will maintain its well-known pacifist and legal position and its categorical rejection of discrimination and force.

FRANCE

/Original: French/

/21 August 1980/

1. The principle of the peaceful settlement of disputes is one of the fundamental principles of the Charter of the United Nations. The French Government is willing to take part in any study that may be conducive to strengthening the effectiveness of this principle. It was in that spirit that it welcomed the proposal made by the Romanian Government at the thirty-fourth session of the General Assembly.

/...

2. If there is to be a tangible improvement in the application of the general and solemn commitment undertaken by all States Members of the United Nations in acceding to the Charter, it is necessary to display realism, and, instead of trying to lay down new rules which States would be unwilling to accept or apply, to ascertain which of the existing procedures are most widely accepted and to seek ways of inducing States more willingly to have recourse to them.

3. Moreover, the principle of the peaceful settlement of international disputes, the principle of non-use of force and the machinery for the maintenance of international peace and security provided for in Chapter VII of the Charter of the United Nations are closely connected, and it would be a mistake to single out one of those aspects of United Nations action for the sake of good relations among States.

4. The French Government therefore believes that consideration of the item on the peaceful settlement of disputes should be allocated to the Sixth Committee, which already deals with that question, and that the item should be combined in the Committee's agenda with the item on the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The question should also be considered in conjunction with the report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations.

5. If the United Nations General Assembly should decide to prepare a draft declaration on the peaceful settlement of disputes, the work should be assigned to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The report of the Special Committee shows that the idea of preparing such a declaration awakened special interest in the Committee and was one on which agreement was possible. A preliminary draft declaration has already been prepared and has been the subject of intensive consultations. The number and importance of the comments and reservations that have been made show that the matter still requires careful study in the Special Committee, but deliberations so far augur well for success.

6. Obviously, the aim of any resolution or declaration on the peaceful settlement of disputes should be better to ensure the application of the provisions of the Charter without affecting either its substantive provisions or its institutional machinery.

GHANA

/Original: English/  
/12 June 1980/

Ghana has no proposals to make at this stage but supports any initiative which will enhance the effectiveness of the United Nations Charter, requiring Member States to settle disputes peacefully rather than through the use of force.

/...

GREECE

/Original: French/

/14 April 1980/

1. The Hellenic Government warmly supports the proposal to draw up a declaration on the peaceful settlement of international disputes. However, such a declaration must bring about some improvement in the present situation in that field.
2. To that end, the proposed declaration should define more clearly and comprehensively, within the framework of the Charter of the United Nations, the fundamental obligation to settle international disputes by peaceful means and, in particular, all the other principles and rules of implementation which are directly or implicitly related thereto.
3. The Hellenic Government believes that it would be worthwhile to consider carefully the possibility of incorporating in the aforesaid declaration the following principles which, in its view, seem to answer the required purpose:
  - (a) States parties to a dispute shall from its inception do all in their power, acting in good faith and according to the principles of the Charter, to settle the dispute peacefully in conformity with one of the procedures provided for in Article 33 of the Charter.
  - (b) International disputes shall be settled on the basis of the sovereign equality of States and in conformity with international law.
  - (c) The States shall likewise refrain from the inception of the dispute from any action likely to prolong or aggravate the dispute.
  - (d) If after a reasonable period the States have been unable to settle their dispute through negotiation, they shall promptly utilize the other settlement procedures provided for in Article 33 of the Charter.
  - (e) States shall not resort to the threat or use of force or to any form of political, economic or other duress or pressure in order to settle their disputes.
  - (f) States shall undertake never to recognize situations which have been created through the threat or use of force in contravention of the Charter of the United Nations.
4. A similar proposal was submitted by the Hellenic delegation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization at the session held at Manila from 28 January to 22 February 1980 (see A/AC.182/WG/45).
5. The Hellenic Government is of the opinion that, if it proves possible to draw up an effective declaration on the settlement of international disputes - and the results achieved so far seem to be encouraging - and if, moreover, States make a careful study of the subject, based on practice in this field, by means of a

/...

questionnaire to be sent to them by the General Assembly at an early date, 1/ this might before long pave the way for the drafting of a general treaty on the peaceful settlement of international disputes, thereby consolidating and updating this subject, which is still largely governed by the General Act of Geneva, 1928.

INDONESIA

/Original: English/  
/9 May 1980/

The question of the elaboration of a declaration on the peaceful settlement of disputes has been under consideration by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. In the view of the Government of Indonesia, such questions relating to the peaceful settlement of disputes should continue to be considered by that forum.

NORWAY

/Original: English/  
/8 July 1980/

1. The Norwegian Government has always supported initiatives aimed at enhancing the effectiveness of the Charter of the United Nations obligating States to settle their disputes by peaceful means. The Charter provides a basic framework for the peaceful settlement of disputes between States and the obligations of the Charter are clearly defined. The main problem today is not the absence of appropriate mechanisms for the settlement of disputes but the tendency of States to allow disputes to go unresolved and develop into more serious conflicts. The question is therefore what can best be done to make States honour their existing obligations.

2. It is the Norwegian view that mechanisms for the peaceful settlement of disputes should include an undertaking of States to submit disputes - or at least certain specified kinds of disputes - to settlement. This should be done in advance and in a general form.

3. It is against this background that the Norwegian Government has examined General Assembly resolution 34/102 of 14 December 1979. The Norwegian Government is of the opinion, which has been emphasized on several occasions in various forums, that it is important that discussions on this subject result in rules which are sufficiently specific, and also mandatory.

---

1/ See Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 33 (A/34/33), p. 8.

4. Hence, a declaration containing concrete and specific recommendations to States regarding peaceful settlement of disputes would constitute a valuable contribution to the achievement of the purposes of the Charter of the United Nations.

5. It seems doubtful that a declaration of a more general nature on the peaceful settlement of disputes would facilitate a more effective implementation of either the Charter of the United Nations or other existing international instruments in this field.

PHILIPPINES

/Original: English/

/19 March 1980/

The Philippine Government's proposals and suggestions on the peaceful settlement of international disputes were incorporated in the document A/AC.182/WG.48/Rev.2, dated 21 February 1980, which was submitted to the Special Committee on the Charter of the United Nations on the Strengthening of the Role of the Organization during its fifth session at Manila. 2/

---

2/ For the text of the draft Manila declaration on the peaceful settlement of international disputes, see Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 33 (A/35/33), para. 164.



QATAR

/Original: Arabic/  
/8 May 1980/

Increased international tension in many regions of the world as a result of the aggravation of conflicts and disputes between States increases the likelihood of military confrontation between those States and jeopardizes international peace and security. It is therefore imperative that efforts be made to settle international disputes by peaceful means. Consequently, the State of Qatar favours the preparation of a declaration on the peaceful settlement of international disputes and has pleasure in submitting herewith its views and proposals in this connexion.

1. Qatar is of the opinion that the declaration should include the following principles:

(a) A firm commitment on the part of all States Members of the United Nations to settle their disputes by peaceful means and to refrain from the threat or use of force in international relations;

(b) Non-recognition of any gains acquired by any State through the threat or use of force;

(c) Adherence to the principles of the Charter of the United Nations;

(d) Respect for the principles of international law and compliance with the judgements of the International Court of Justice.

2. The role of the United Nations in the settlement of international disputes by peaceful means must be emphasized. The United Nations must play a fundamental and leading role in all negotiations or the exercise of good offices for the settlement of international disputes, and its effectiveness in settling disputes by peaceful means must be increased.

3. Other international and regional organizations, such as the Movement of Non-Aligned Countries, the Organization of African Unity and the League of Arab States, must play an effective role in the peaceful settlement of international disputes. The significance of these organizations lies in the fact that they are associated with countries of the third world which have a real interest in the strengthening of world peace.

4. The State of Qatar supports the proposed establishment of a permanent commission of the General Assembly to fulfil functions of good offices and conciliation between States involved in disputes. The State of Qatar also believes that it would be possible for similar commissions to be established by the above-mentioned regional organizations which could offer their good offices for the settlement of disputes and conflicts arising between member States.

/...

5. The process of building confidence among States, to which the United Nations attaches special importance, will help to avert disputes, prevent the aggravation of any disputes that arise between States and be conducive to settling such disputes by peaceful means.

6. Joint international efforts must be made to deal with certain aspects of disputes which have defied settlement by peaceful means. These disputes concern certain régimes engaged in practices of a racist, imperialist nature and the relations which some States are maintaining with those régimes. The State of Qatar is referring, in particular, to the racist Zionist régime in occupied Palestine and the racist white minority régime in South Africa, both of which are pursuing a policy of racist settlement involving the occupation of the territory of others, the expulsion of the inhabitants and the establishment of an alien racist State in the occupied territory.

#### ROMANIA

/Original: French/  
/27 June 1980/

#### I

1. In full accord with the basic directions of its foreign policy, Romania has striven and is striving tirelessly for the elimination of all hotbeds of tension and conflict and for the settlement of disputes between States and of all international problems exclusively by peaceful means, through negotiations, with a view to the final abolition of the use of force and the threat of force in international relations.

2. History shows that contentious problems between States cannot be solved by means of force and that an equitable and lasting solution can be found only by agreement among the parties concerned at the negotiating table.

3. In view of the deterioration of the international situation and of the danger which this poses not only in relation to reversion to the policy of "cold war" but also for the outbreak of new conflicts, or even a devastating war, Romania considers that everything possible should be done to stop the growth of international tension. To this end it is necessary, as President Nicolae Ceausescu has stressed, "to assure the solution of contentious problems by means of political negotiations while ensuring respect for the independence and sovereignty of all States, non-interference in internal affairs, and the right of each people to unhindered development at the domestic level, without any outside interference".

#### II

4. The obligation of States to settle their disputes themselves, by peaceful means, has emerged as one of the cardinal principles of contemporary international

/...

law which has been confirmed in the United Nations Charter and in many other international documents.

5. Despite this, the painful reality is that, in attempts to settle disputes among States, recourse to force, armed action and military intervention have continued in the past and are continuing now, and this is highly detrimental to the peoples concerned and to mankind as a whole.

6. At the same time, the facts show that recourse to armed force has never led to a just and lasting solution of problems, and cannot do so. Indeed, the use of force can only further complicate and aggravate problems, engender new sources of tension, jeopardize the future of relations among the States concerned for long periods of time and poison the international political climate by adversely affecting relations among States in general.

7. Romania considers that nothing justifies or can justify the use or threat of force in inter-State relations or intervention or military action of any kind in the solution of contentious problems, regardless of their origin and nature.

8. In practice, international life shows that there are no contentious problems or conflict situations, however, complex, which cannot be solved by political means, through negotiations. It is possible that sometimes, when complex disputes arise they cannot be solved immediately. On other occasions, obstacles may arise on the road to agreement which may be difficult to overcome. But it is essential that all the parties should act in a patient and perseverant manner and do nothing which might aggravate the dispute and delay its solution.

### III

9. The United Nations, because of the nature of its fundamental purposes and principles, offers the most propitious framework for encouraging the settlement by peaceful means, through negotiations, of all disputes between States. We consider that the United Nations can and must be more active in this field, that it can make a more substantial contribution by all the means available to it, to promoting the peaceful settlement of disputes among States and that it can assume greater responsibilities in the efforts to avert conflicts.

10. The adoption of a declaration on the peaceful settlement of disputes between States, the value of which was recognized in General Assembly resolution 34/102 adopted on the proposal of Romania and 24 other States on 14 December 1979, would undoubtedly contribute to the attainment of this objective. By reaffirming the determination of States to fulfil their commitments under the United Nations Charter, an international instrument of this nature, by means of its provisions, would serve effectively to promote the peaceful settlement of disputes between States and prevent conflict situations and improve the world political climate.

IV

11. In the light of the current international situation, Romania considers that the General Assembly should proceed to elaborate the declaration as soon as possible. Because of its desire to make an effective contribution to the attainment of this objective, the Romanian delegation, at the thirty-fourth session of the General Assembly, submitted to the First Committee a preliminary draft declaration in the form of a working paper (A/C.1/34/L.49 of 27 November 1979).

12. The same concerns formed the basis of the initiative of several delegations, including the Romanian delegation, at the Manila meeting of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (28 January to 22 February 1980); taking into account the above-mentioned Romanian working paper, these delegations elaborated and submitted to the Special Committee the text of a draft declaration on the peaceful settlement of international disputes (A/AC.182/WG.48/Rev.2 of 21 February 1980). This draft, which has been revised several times, in order to take account of the suggestions and comments made by other delegations, and has been the object of a broad exchange of views, represents a positive and practical contribution on the part of the Special Committee to the preparation of a generally acceptable draft declaration. In the view of the Romanian Government, work on the elaboration of the draft declaration should be continued at the forthcoming session of the General Assembly, in an appropriate framework, so as to permit the participation of all States wishing to make their contribution to the preparation of that document. Such a framework might be provided by the establishment, at the forthcoming session of the Assembly, of a working group open to participation by all States.

13. The draft declaration considered by the Special Committee forms a good working base for the General Assembly, since it was drawn up taking into consideration the proposals of a large number of States; similarly, its contents incorporate and develop provisions already existing in the Charter and in a series of United Nations resolutions and documents which have, over the years, clarified and given concrete expression to the principle of the peaceful settlement of disputes. Most of these provisions are, in fact, customary and conventional rules, being embodied in numerous treaties and accepted by States and meeting the need to avoid the emergence or aggravation of conflicts and, above all, to ward off the danger of the use of force.

V

14. With regard to the content of the proposed declaration, Romania submits the following comments of principle:

15. The declaration should take as its point of departure the basic provisions of the United Nations Charter concerning the peaceful settlement of disputes, which should be developed and enriched, taking into account the international documents adopted by States during the 35 years which have elapsed since the adoption of the Charter. In the future declaration, the obligation of States to resolve their

/...

disputes exclusively by peaceful means should be set forth in greater detail and made more specific, and the rules which should govern the procedures to be followed for the peaceful settlement of disputes, as embodied in the United Nations Charter, should be set forth at length.

16. The declaration should synthesize the positive experience acquired in this field and, at the same time, take account of developments and innovations in the practice of States, which, since the establishment of the United Nations, have concluded numerous bilateral and regional agreements for the organization of procedures for the peaceful settlement of disputes or other treaties containing provisions for that purpose.

17. The provisions of the declaration should reflect the close link which exists between the principle of the peaceful settlement of disputes and the principle of the prohibition of the threat or use of force in international relations. To that end, it is necessary to stipulate that neither the existence or nature of a dispute nor the failure of any specific procedure for the peaceful settlement of a dispute can legitimate the use by a State of force, the threat of force or any other means of coercion.

18. In developing and defining the principle of the peaceful settlement of disputes, the declaration should give formal expression to the obligation of States parties to a conflict, and of any other State, to refrain from any act that might aggravate the situation, broaden the dispute or impede or delay its settlement.

19. The declaration should also stipulate that the settlement of any dispute should be effected with strict respect for the independence, sovereignty and territorial integrity of States, non-interference in their internal affairs, the principle of the equal rights of States and the right of peoples to decide their own destiny and freely choose the path of their development, in accordance with their own aspirations and interests.

20. In accordance with these principles, the declaration should lay down the rule that the parties to a dispute have freedom of choice with regard to the procedures for the peaceful settlement of the dispute in question.

21. At the same time, where there are differences among the parties to a dispute regarding the procedure to be followed for its settlement, the declaration should lay down the prime obligation of the parties to have recourse to direct negotiations.

22. In general, the provisions of the declaration should encourage the States concerned to resolve the disputes between them by having recourse, first of all, to negotiations and to other procedures based on a direct understanding between the parties. This emphasis is placed on the essential role of negotiations because experience proves that the genuine, definitive and lasting settlement of disputes can be achieved only by the participation on terms of full equality of all the parties to the dispute and by their constructive contribution, together with respect for the right of each to uphold its interests and have its say on

/...

questions that are of direct concern to it. This does not, of course, in any way exclude the role of third States, which, it might even be said, have a duty to take action, in accordance with the principles of the Charter, to promote the settlement of the dispute, make their contribution to bringing the positions of the parties directly involved closer together and help them to reach an understanding. Third States can assist in the solution of certain disputes either through bilateral or regional channels, or through the United Nations. Thus, the declaration, through the provisions incorporated in it, should help to strengthen the role of the United Nations, and of the General Assembly in particular, in the field of the peaceful settlement of disputes and the prevention of conflicts between States. To this end, the declaration should include provisions for improving and supplementing the machinery for the peaceful settlement of disputes between States contained in Chapter VI of the Charter in order to make it more workable and more effective and to encourage Member States to have recourse to it with greater confidence. In principle, it should be laid down that, where it has not been possible for a dispute to be settled by the States directly concerned, those States must bring the matter in question before the United Nations and that the world Organization has the right to consider at any time a situation or dispute liable to endanger international peace and to make the necessary recommendations to the States parties to the disputes and to any other States. In that regard, the implementation of the proposal for the establishment of a permanent commission of the General Assembly to fulfil functions of mediation, good offices and conciliation is of particular relevance.

23. Another measure which could increase the effective contribution of the United Nations to the settlement of disputes would be to confer on recommendations of the General Assembly which are adopted unanimously or by consensus the character of firm undertakings on the part of all States Members of the United Nations, to be fulfilled as such without objection and in good faith.

## VI

24. Romania considers that the elaboration of the proposed declaration should represent merely a first step towards the elaboration and adoption of a general treaty on the peaceful settlement of disputes between States, setting forth the obligation of all States to bring all their contentious problems before the United Nations, codifying the principles and rules relating to the peaceful settlement of international disputes and defining the concrete procedures for the settlement of disputes. Both the declaration and the treaty should include express provisions for the organized follow-up of the way in which they are implemented and for periodical consideration of the stage reached in their implementation.

25. Romania is resolved to make every effort to co-operate with other States for the elaboration and adoption at the thirty-fifth session of the General Assembly of a declaration on the peaceful settlement of disputes between States, incorporating provisions and constructive measures that will help to strengthen the capacity of the United Nations to fulfil its important functions and to make its contribution to the just and lasting settlement, by peaceful means, of any international dispute. Romania considers that it is the duty of all States Members

/...

of the United Nations to make their contribution to the elaboration and adoption by the United Nations of an effective international instrument which would have a positive influence on the world political climate, meet the aspirations and legitimate interests of every people and serve the cause of détente, peace and understanding among peoples.

SEYCHELLES

/Original: English/

/18 April 1980/

The Government of the Republic of Seychelles profoundly believes that the Members of the United Nations should indomitably strive towards peaceful settlement of disputes between States in the endeavour to promote and to safeguard international peace, security and justice, which are irrefutably conditions for the harmonious flourishing and prosperity of the world community.

SWEDEN

/Original: English/

/10 June 1980/

1. The Swedish Government has always been very much in favour of strengthening the international mechanisms for the peaceful settlement of disputes.
2. At the same time, it is realistic to point out that the main problem today is not the lack of appropriate mechanisms for the settlement of disputes, but the lack of political will to make use of such mechanisms. The International Court of Justice is available to all States, but very few States make use of its services. An alternative to judicial settlement is arbitration, and although there are many international disputes in the world, very few of them are submitted to arbitration.
3. There are many bilateral, regional or world-wide conventions providing for settlement of disputes, but these provisions are seldom applied. The General Act for the Pacific Settlement of International Disputes which, in its revised form, was adopted by the General Assembly of the United Nations on 28 April 1949 (resolution 268 (III)) has only been ratified by a small number of States.
4. If, however, it is felt that something should be done to make the settlement procedures more attractive, the Swedish Government will be fully prepared to participate in further discussions on the subject.
5. It is important that any such discussions should result in rules which are sufficiently firm and mandatory to constitute real progress. We consider that, in order to make our efforts worth while, the result of our work should satisfy certain requirements:

/...

(a) Firstly, any new system for settlement of disputes should include an undertaking by States - made in advance of the dispute and in a general form - to submit disputes, or at least certain specified kinds of disputes, to settlement.

(b) Secondly, this settlement should be a third-party settlement.

(c) Thirdly, it is highly desirable that this third-party settlement should result in a binding decision. In so far as this is not considered acceptable, the settlement procedure could, however, be limited to conciliation or mediation and result in proposals in the form of recommendations or suggestions.

6. The Swedish Government is prepared to pursue the idea of a General Assembly declaration on peaceful settlement of disputes. Such a declaration would, however, be a useful instrument only if it contained rather concrete and specific recommendations to States regarding third-party settlement of disputes and, in order to be of real importance, it should as soon as possible be transformed into binding treaty provisions.

7. Covering the role of the United Nations in the settlement of disputes the Swedish Government would like to point out that the Charter gives the Security Council the ultimate responsibility for safeguarding international peace and security. This is an important element in the United Nations system which has to be taken into account when new measures are considered in this field. The Swedish Government, for its part, is prepared to look favourably at any important function of the Security Council and would like to refer, in particular, to the enhancement of the fact-finding capacity of the Security Council. On the other hand, it is necessary to avoid any measures which would undermine the exclusive responsibility of the Security Council for international peace and security by entrusting parallel or competing functions to the General Assembly or to a new organ within the United Nations system.

UNITED STATES OF AMERICA

/Original: English/

/28 May 1980/

The United States Government supports all realistic efforts aimed at promoting the peaceful settlement of disputes. We consequently welcomed the Romanian initiative at the thirty-fourth session of the General Assembly.

The United States Government agrees furthermore with the stated intention of the Government of Romania to recommend that future work on this item be conducted in the Legal Committee. The United States Government moreover notes that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization has commenced work on a declaration on the peaceful settlement of disputes. Since the report of the Special Committee will be examined in the Legal Committee, we believe the item entitled "Peaceful settlement of disputes between States" should be merged with the item on the report of the Special Committee.

/...



The United States Government believes that the work done to date on the draft declaration by the Special Committee constitutes a good beginning. We are optimistic that the Special Committee should be in a position to complete its work on the draft at its next session if its mandate is renewed. We recognize that the elaboration of so important a document will take time and care and that two sessions of a Special Committee is a very short time to elaborate a draft which can appropriately be recommended to the General Assembly. We also recognize that there are still substantial areas of disagreement concerning the draft. However, we believe the initial work done is such as to justify our optimism. If this expeditious schedule is to be maintained, it will, of course, be necessary to confine the declaration to the peaceful settlement process and not encumber the effort by seeking agreement on critical areas of substantive law in the same document. It will, moreover, be necessary for the effort to focus on constructive evolution within the existing Charter framework with full recognition of the Charter-based status of the principal organs.

ANNEX

List of documents issued since the consideration of the item  
by the General Assembly at its thirty-fourth session

- |                  |   |
|------------------|---|
| A/35/225         | Letter dated 12 May 1980 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General.  |
| A/35/278-S/13976 | Letter dated 2 June 1980 from the Chargé d'Affaires a.i. of the Permanent Mission of Jordan to the Secretary-General.           |
| A/35/316-S/14045 | Letter dated 27 June 1980 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General. |

-----