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PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Secretary-General

Addendum

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REPLIES RECEIVED FROM GOVERNMENTS

ECUADOR

/Original: Spanish/  
/1 October 1980/

1. The Government of Ecuador has always attached the greatest importance to the peaceful settlement of disputes as an international principle which it is absolutely essential to observe as a fundamental element of the maintenance of international peace and security.
2. Ecuador has spared no effort to expand and strengthen the peaceful settlement mechanisms of regional organizations such as the Organization of American States and universal organizations such as the United Nations. Ecuador is an essentially pacifist country; throughout its history it has demonstrated this national philosophy in many different ways and has co-operated with a view to eliminating the use of force in the international community, in order that existing or future disputes between States might be settled exclusively by peaceful means, with due regard for law and justice.
3. For the above reasons, the Government of Ecuador has been particularly interested in the work being done by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, pursuant to General Assembly resolution 3499 (XXX) of 15 December 1975 and resolution 34/102 of 14 December 1979.
4. The Government of Ecuador believes it is particularly important that the General Assembly prepare a declaration which would not only represent a contribution to the interpretation of the relevant norms of the United Nations Charter and the principles which should govern the matter for the promotion of the general well-being of peoples and the maintenance of international peace and security in conformity with law and justice, but which would also constitute a positive expression of the progressive development of international law.
5. General Assembly resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations" sets forth in the relevant chapter certain important aspects of the question of the peaceful settlement of disputes. Nevertheless, the declaration to be formulated by the General Assembly should expand on those principles and, above all, should strengthen the role of the competent organs of the United Nations and encourage Member States to use mechanisms for peaceful settlement, in compliance with the purposes of the United Nations, particularly that of maintaining international peace and security. A declaration on the peaceful settlement of disputes would supplement, in its own sphere, the declaration contained in General Assembly resolution 2734 (XXV) of 16 December 1970 on the strengthening of international security.

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6. The Government of Ecuador considers that a declaration on the peaceful settlement of disputes and the strengthening of the role of the United Nations in that area should contain the following provisions:

(a) It should reiterate the general principle that Member States shall refrain in their international relations from the threat or use of force, including political or economic coercion, against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(b) It should reaffirm the principle that Member States shall settle their disputes exclusively by peaceful means;

(c) It should stipulate the legal requirement that in settling their disputes, of whatever nature, by peaceful means, Member States shall act in such a manner that international peace and security and justice are not endangered, thus positively establishing that settlements should be reached in conformity with the principles of justice and international law;

(d) It should stipulate that, in the peaceful settlement of international disputes, the following principles shall be borne in mind: respect for each other's independence, sovereignty and territorial integrity; the non-recognition of territorial acquisition resulting from the threat or use of force; non-intervention in the internal or external affairs of States; the right to self-determination of peoples; permanent sovereignty of States over their natural resources; and the sovereign equality of States;

(e) It should stress that States shall seek, in good faith and in a spirit of co-operation, an early and just solution to their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The parties shall resort to such peaceful means as may be most appropriate in the light of the circumstances and the nature of the dispute;

(f) In the event the parties to a dispute are unable to find a solution by any of the above means, they shall continue their search for a peaceful settlement by any other means that might appear appropriate. Should they be unable to settle their dispute by such means, any of the parties shall refer it to the Security Council;

(g) States parties to regional arrangements or agencies shall make every effort to achieve peaceful settlement of their disputes through the procedures and mechanisms provided for under such regional arrangements or agencies before submitting the dispute to the United Nations Security Council. Nevertheless, such States may at any time bring the dispute or situation in question to the attention of the Security Council or of the General Assembly, in accordance with the Charter of the United Nations;

(h) States parties to an international dispute, as well as the other Member States, shall refrain, in accordance with the purposes and principles of the Charter, from any action which might aggravate the situation, extend the dispute or delay the settlement;

(i) International disputes shall be settled in conformity with the principle of the free choice of means. Nevertheless, nothing shall prevent the competent bodies of the United Nations or third States from promoting the peaceful settlement of international disputes, in an effort to contribute to the maintenance of peace and in conformity with the purposes of the Charter, nor shall States be precluded, in treaties on the peaceful settlement of disputes, from agreeing to submit to one or more compulsory means for the settlement of existing or future disputes;

(j) Treaties on the peaceful settlement of disputes should establish a body empowered to assist parties in seeking the peaceful settlement of their disputes or the most appropriate means, at the request of any of the parties;

(k) Neither the existence of a dispute nor the failure of a peaceful settlement procedure shall give rise to or justify the threat or use of force or of any other coercive means on the part of any State party to the dispute;

(l) Member States shall make full use of the options provided by the Charter for the peaceful settlement of their disputes;

(m) Member States shall report to the Security Council on all steps or measures taken by them for the purpose of settling their international disputes by peaceful means when such disputes have not been brought before the Security Council for its consideration;

(n) The competent bodies of the United Nations shall diligently consider, in conformity with the principles of the Charter and the principles of the declaration to be prepared, any dispute which may be brought before them. Such bodies shall adopt decisions or recommendations, as the case may be, on any situation or dispute submitted for their consideration, with the exception of those matters referred to in Article 2, paragraph 7, of the Charter.

(o) The General Assembly and the Security Council shall strengthen the powers available to them to recommend measures for the peaceful adjustment of any situation, regardless of its origin, in conformity with the provisions of Article 14 and Article 33, paragraph 2, of the Charter, by making more frequent use of such powers;

(p) It should recommend to the Secretary-General of the United Nations that he make wider and constant use of his power to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security, pursuant to Article 99 of the Charter.

SURINAME

/Original: English/

/11 September 1980/

1. The principle of peaceful settlement of disputes between States is firmly embedded in the Charter of the United Nations, as is its correlate, that of the non-use of force.
2. Suriname regards full respect of the principle for peaceful settlement of disputes between States as a prerequisite for the maintenance of international peace and security.
3. The Government of Suriname is of the opinion that the constant resort to arms violates that principle to such an extent that its moral and political influence could be seriously weakened.
4. Mankind has witnessed that, as soon as a conflict is being defused, another source of international dispute and tension emerges, very often due to interference by parties not directly concerned with the dispute.
5. The Government of Suriname holds that it is primarily the responsibility of the United Nations to guarantee international peace and security and to protect the national sovereignty, territorial integrity and independence of States.
6. It is furthermore of the opinion that, in view of the continuation of conflict situations between States, the elaboration of a declaration on the peaceful settlement of disputes between States is relevant and important for the maintenance of international peace and security and can promote the enhancement of the Charter principle.
7. In this light the Government of Suriname, having carefully considered the text of the draft Manila declaration on the peaceful settlement of international disputes, 1/ wishes to express its agreement in principle with that text.
8. The Government of Suriname would, however, propose that inclusion in the text be considered of a clause concerning the validity of decisions made or acts committed in contravention of the said principle. Such a clause would in particular be aimed at preventing the acceptance or recognition of those decisions or acts.

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1/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 33 (A/35/33), para. 159.

UNION OF SOVIET SOCIALIST REPUBLICS

/Original: Russian/

/29 September 1980/

1. The Soviet Union consistently and resolutely maintains that disputes and conflicts between States should be settled, not by means of war or the use of force, but by exclusively peaceful means at the negotiating table. The principle of peaceful settlement of international disputes has received legislative confirmation in the Constitution of the USSR, and is also enshrined in a series of treaties and agreements which the USSR has concluded with other States.
2. In its approach to the settlement of disputes arising between States the Soviet Union is unswervingly guided by the purposes and principles of the Charter of the United Nations, which states that all Member States of the United Nations "shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered". The Charter of the United Nations makes it obligatory for Members of the Organization to endeavour to settle any disputes the continuance of which is likely to endanger the maintenance of international peace and security, by means of negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or whatever other peaceful means of their own choice. The Security Council shall, when it deems necessary, call upon the parties to settle their disputes by such means.
3. The Soviet Union believes that, in current conditions, direct negotiation between the parties concerned is the means most widely used for settling international disputes and the means which has the necessary flexibility and effectiveness.
4. The Soviet Union takes the view that the Charter of the United Nations envisages a decisive role for the Security Council in the peaceful settlement of disputes and situations whose continuance is likely to endanger the maintenance of international peace and security. In particular, the Security Council has the right at any stage of a dispute or situation to recommend appropriate procedures or methods of adjustment. Should the parties to the dispute fail to settle it by the means enumerated in the Charter, they shall refer it to the Security Council, which shall recommend such terms of settlement as it may consider appropriate.
5. The Soviet Union firmly adheres to the view that, in conformity with the Charter, it falls within the competence of the Security Council to investigate disputes and situations whose continuance is likely to endanger the maintenance of international peace and security, and also to decide on such disputes and take action on them. Under the Charter such functions are not accorded to any other United Nations body. For that reason the Soviet Union firmly opposes attempts to broaden the competence the General Assembly, the International Court of Justice and the Secretary-General at the expense of the corresponding powers of the Security Council.

6. The Soviet Union considers that to exert any direct or indirect pressure on the choice of peaceful means for settling international disputes is unacceptable. For that reason the Soviet Union opposes attempts to tie States to methods of compulsory settlement of international disputes, especially by means of a so-called "third party".

7. The Soviet Union is firmly convinced that, given goodwill and a rational approach which takes into account objective conditions, any international dispute can be settled peacefully, while any global or regional problem can be resolved provided only that there is no resort to diktat or violence, that peaceful political means are used, that there is strict and unswerving observance by all States of the provisions of the Charter and that the facilities and recourses provided in it are more extensively utilized.