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PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Sixth Committee

Rapporteur: Mr. Wolfgang HAMPE (German Democratic Republic)

I. INTRODUCTION

1. The item entitled "Peaceful settlement of disputes between States: report of the Secretary-General" was included in the provisional agenda of the thirty-fifth session of the General Assembly in accordance with Assembly resolution 34/102 of 14 December 1979.
2. At its 3rd plenary meeting, on 19 September 1980, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its thirty-fifth session and to allocate it to the Sixth Committee.
3. In connexion with the item, the Committee had before it the following documents:
 - (a) Report of the Secretary-General (A/35/391 and Add.1);
 - (b) Letter dated 12 May 1980 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General (A/35/225);
 - (c) Letter dated 2 June 1980 from the Chargé d'Affaires a.i. of the Permanent Mission of Jordan to the United Nations addressed to the Secretary-General (A/35/278-S/13976);
 - (d) Letter dated 27 June 1980 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/35/316-S/14045).
4. The Committee also had before it the text of the "Draft Manila declaration on the peaceful settlement of international disputes", submitted by Egypt, El Salvador, Ghana, Indonesia, Madagascar, Nigeria, the Philippines, Romania, Sierra Leone and Tunisia (A/C.6/35/L.5).

5. The Committee considered the item at its 32nd to 43rd meetings, from 30 October to 10 November, and at its 48th and 74th meetings, on 13 November and 4 December 1980. The summary records of those meetings (A/C.6/35/SR.32-43, 48 and 74) contain the views of representatives who spoke on the item.

6. At its 16th meeting, on 9 October, the Committee made decisions concerning its consideration of item 51 "Peaceful settlement of disputes between States" and item 108 "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The Committee agreed to a recommendation of the bureau that, in principle, seven meetings should be allocated to item 108 and four to item 51, it being understood, in view of the elements common to the two items, that all necessary flexibility would be applied in order to allow individual delegations to deal with the two items in the way which seemed to them to be the most appropriate. At the same time, the Committee agreed to establish an open-ended working group to pursue the work undertaken by the Special Committee at its 1980 session towards a declaration on the peaceful settlement of disputes. ^{1/} The results of the work of this working group would be referred to the Special Committee for its consideration at the next session. It also decided that Mr. Kirsch (Canada), Vice-Chairman of the Sixth Committee, would serve as the Chairman of the Working Group.

7. At the 74th meeting, on 4 December, the Chairman of the Working Group on the Peaceful Settlement of Disputes introduced the report of the Working Group (A/C.6/35/L.21).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/35/L.18

8. At the same meeting, the representative of Romania introduced a draft resolution (A/C.6/35/L.18) sponsored by Bangladesh, Costa Rica, Cyprus, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Indonesia, Italy, the Ivory Coast, Madagascar, Malawi, Mexico, Nigeria, the Philippines, Romania, Rwanda, Somalia, Spain, Sri Lanka, Tunisia, Uruguay, Venezuela, Yugoslavia and Zaire later joined by Mauritius (for the text of the draft resolution, see para. 10).

9. Also at the same meeting, the Committee adopted draft resolution A/C.6/35/L.18 by consensus (see para. 10).

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",

^{1/} See Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 33 (A/35/33 and Corr.1), paras. 153-168 and appendix to the statement of the Rapporteur.

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 at the escalation of the arms race, which gravely endanger the independence and security of States, as well as international peace and security,

Reaffirming its resolution 34/102 of 14 December 1979, in which it urged all States to co-operate in the elaboration of a declaration of the General Assembly on the peaceful settlement of disputes between States,

Considering that the elaboration of a declaration on the peaceful settlement of disputes between States could contribute to the elimination of the danger of recourse to force or the threat of force and, therefore, to the strengthening of international peace and security,

Noting with satisfaction the report of the Secretary-General, 2/ containing the opinions, suggestions and proposals of States regarding the declaration on the peaceful settlement of disputes between States,

Noting also the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 3/ especially of the work done on the draft Manila declaration on the peaceful settlement of international disputes,

Taking into account the suggestions and opinions expressed during the examination at its present session of the question of the peaceful settlement of disputes between States,

Bearing in mind the wide consultations that have taken place in connexion with the content of the declaration on the peaceful settlement of international disputes and the fruitful activity in the Working Group, established at its present session, which continued the elaboration of the declaration,

1. Calls again 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. Considers that the question of the peaceful settlement of disputes should represent one of the central concerns for States and that, to this end, the efforts for examining and further developing the principle of the peaceful settlement of disputes between States and the means of consolidating its full observance by all States in their international relations should be continued;

3. Considers also that the elaboration, as soon as possible, of a declaration of the General Assembly on the peaceful settlement of international disputes is likely to contribute to the strengthening of the role and the efficiency of the United Nations in preventing conflicts and settling them peacefully;

2/ A/35/391 and Add.1.

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

4. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to continue the elaboration of the draft Manila declaration on the peaceful settlement of international disputes with a view to submitting it for further consideration to the General Assembly at its thirty-sixth session;

5. Refers to the Special Committee the report of its Working Group on the Peaceful Settlement of Disputes 4/ as well as the views expressed at the current session of the General Assembly on the contents of the declaration;

6. Expresses the hope that the States which have not yet transmitted to the Secretary-General their opinions on that matter will do so as soon as possible in order to contribute, in this way also, to the elaboration of the declaration;

7. Decides to include in the provisional agenda of its thirty-sixth session the item entitled "Peaceful settlement of disputes between States".

4/ A/C.6/35/L.21.